

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 359

Session of 1981

INTRODUCED BY HOEFFEL AND WACHOB, FEBRUARY 2, 1981

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 24, 1981

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for the operation of emergency
3 vehicles AND PROVIDING FOR THE LAWFUL OPERATION OF CERTAIN
4 CONSTRUCTION VEHICLES. <—

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Sections 1532, 1535(A) 3742(a), 3743(a), 3744(a) <—
8 and 3745 of Title 75, act of November 25, 1970 (P.L.707,
9 No.230), known as the Pennsylvania Consolidated Statutes, are
10 amended to read:

11 § 1532. REVOCATION OR SUSPENSION OF OPERATING PRIVILEGE. <—

12 (A) REVOCATION.--THE DEPARTMENT SHALL REVOKE THE OPERATING
13 PRIVILEGE OF ANY DRIVER FOR ONE YEAR UPON RECEIVING A CERTIFIED
14 RECORD OF THE DRIVER'S CONVICTION OF ANY OF THE FOLLOWING
15 OFFENSES:

16 (1) ANY FELONY IN THE COMMISSION OF WHICH A COURT
17 DETERMINES THAT A VEHICLE WAS ESSENTIALLY INVOLVED.

18 (2) ANY SUBSEQUENT VIOLATION OF SECTION 3731 (RELATING

1 TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED  
2 SUBSTANCE) WITHIN THREE YEARS OF A PRIOR VIOLATION.

3 (3) ANY VIOLATION OF THE FOLLOWING PROVISIONS:

4 SECTION 3732 (RELATING TO HOMICIDE BY VEHICLE).

5 SECTION 3742 (RELATING TO ACCIDENTS INVOLVING DEATH  
6 OR PERSONAL INJURY).

7 SECTION 3755 (RELATING TO ACCIDENTS INVOLVING  
8 EMERGENCY VEHICLES) IF THE ACCIDENT RESULTED IN DEATH OR  
9 PERSONAL INJURY.

10 SECTION 7102(B) (RELATING TO REMOVAL OR FALSIFICATION  
11 OF IDENTIFICATION NUMBER).

12 SECTION 7103(B) (RELATING TO DEALING IN VEHICLES WITH  
13 REMOVED OR FALSIFIED NUMBERS).

14 SECTION 7111 (RELATING TO DEALING IN TITLES AND  
15 PLATES FOR STOLEN VEHICLES).

16 SECTION 7121 (RELATING TO FALSE APPLICATION FOR  
17 CERTIFICATE OF TITLE OR REGISTRATION).

18 SECTION 7122 (RELATING TO ALTERED, FORGED OR  
19 COUNTERFEIT DOCUMENTS AND PLATES).

20 (B) SUSPENSION.--

21 (1) THE DEPARTMENT SHALL SUSPEND THE OPERATING PRIVILEGE  
22 OF ANY DRIVER FOR SIX MONTHS UPON RECEIVING A CERTIFIED  
23 RECORD OF THE DRIVER'S CONVICTION OF ANY OFFENSE UNDER THE  
24 FOLLOWING PROVISIONS:

25 SECTION 3367 (RELATING TO RACING ON HIGHWAYS).

26 SECTION 3731 (RELATING TO DRIVING UNDER INFLUENCE OF  
27 ALCOHOL OR CONTROLLED SUBSTANCE).

28 SECTION 3733 (RELATING TO FLEEING OR ATTEMPTING TO  
29 ELUDE POLICE OFFICER).

30 SECTION 3734 (RELATING TO DRIVING WITHOUT LIGHTS TO

1 AVOID IDENTIFICATION OR ARREST).

2 SECTION 3743 (RELATING TO ACCIDENTS INVOLVING DAMAGE  
3 TO ATTENDED VEHICLE OR PROPERTY).

4 SECTION 3755 (RELATING TO ACCIDENTS INVOLVING  
5 EMERGENCY VEHICLES) IF THE ACCIDENT RESULTED IN DAMAGE TO  
6 AN ATTENDED VEHICLE OR PROPERTY.

7 (2) THE DEPARTMENT SHALL SUSPEND THE OPERATING PRIVILEGE  
8 OF ANY DRIVER FOR SIX MONTHS UPON RECEIVING A CERTIFIED  
9 RECORD OF THE DRIVER'S CONVICTION OF A SUBSEQUENT OFFENSE  
10 UNDER THE FOLLOWING PROVISIONS:

11 SECTION 1501(A) (RELATING TO DRIVERS REQUIRED TO BE  
12 LICENSED).

13 SECTION 1543 (RELATING TO DRIVING WHILE OPERATING  
14 PRIVILEGE IS SUSPENDED OR REVOKED).

15 (3) THIS SUBSECTION DOES NOT EFFECT AN ADDITIONAL PERIOD  
16 OF REVOCATION OF THE OPERATING PRIVILEGES OF A DRIVER WHO  
17 RECEIVES AN ADDITIONAL PERIOD OF REVOCATION FOR A SECOND OR  
18 SUBSEQUENT VIOLATION OF SECTION 1543.

19 § 1535. SCHEDULE OF CONVICTIONS AND POINTS.

20 (A) GENERAL RULE.--A POINT SYSTEM FOR DRIVER EDUCATION AND  
21 CONTROL IS HEREBY ESTABLISHED WHICH IS RELATED TO OTHER  
22 PROVISIONS FOR USE, SUSPENSION AND REVOCATION OF THE OPERATING  
23 PRIVILEGE AS SPECIFIED UNDER THIS TITLE. EVERY DRIVER LICENSED  
24 IN THIS COMMONWEALTH WHO IS CONVICTED OF ANY OF THE FOLLOWING  
25 OFFENSES SHALL BE ASSESSED POINTS AS OF THE DATE OF VIOLATION IN  
26 ACCORDANCE WITH THE FOLLOWING SCHEDULE:

27 SECTION NUMBER	OFFENSE	POINTS
28 1512	29 VIOLATION OF RESTRICTION ON 30 DRIVER'S LICENSE.	2
30 1571	VIOLATIONS CONCERNING LICENSES.	3

1	3102	FAILURE TO OBEY POLICEMAN OR	
2		AUTHORIZED PERSON.	2
3	3112(A)(3)(I)	FAILURE TO STOP FOR A RED LIGHT.	3
4	3114(A)(1)	FAILURE TO STOP FOR A FLASHING	
5		RED LIGHT.	3
6	3302	FAILURE TO YIELD HALF OF ROADWAY	
7		TO ONCOMING VEHICLE.	3
8	3303	IMPROPER PASSING.	3
9	3304	OTHER IMPROPER PASSING.	3
10	3305	OTHER IMPROPER PASSING.	3
11	3306(A)(1)	OTHER IMPROPER PASSING.	4
12	3306(A)(2)	OTHER IMPROPER PASSING.	3
13	3306(A)(3)	OTHER IMPROPER PASSING.	3
14	3307	OTHER IMPROPER PASSING.	3
15	3310	FOLLOWING TOO CLOSELY.	3
16	3321	FAILURE TO YIELD TO DRIVER ON THE	
17		RIGHT AT INTERSECTION.	3
18	3322	FAILURE TO YIELD TO ONCOMING	
19		DRIVER WHEN MAKING LEFT TURN.	3
20	3323(B)	FAILURE TO STOP FOR STOP SIGNS.	3
21	3324	FAILURE TO YIELD WHEN ENTERING OR	
22		CROSSING ROADWAY BETWEEN INTER-	
23		SECTIONS.	3
24	3332	IMPROPER TURNING AROUND.	3
25	3341	FAILURE TO STOP FOR FLASHING RED	
26		LIGHTS OR GATE AT RAILROAD	
27		CROSSING.	3
28	3344	FAILURE TO STOP WHEN ENTERING FROM	
29		ALLEY, DRIVEWAY OR BUILDING.	3
30	3345(A)	FAILURE TO STOP FOR SCHOOL BUS	

1		WITH FLASHING RED LIGHTS.	5
2		(AND 30 DAYS SUSPENSION)	
3	3361	DRIVING TOO FAST FOR CONDITIONS.	2
4	3362	EXCEEDING MAXIMUM SPEED.--OVER LIMIT:	
5		6-10	2
6		11-15	3
7		16-25	4
8		26-30	5
9		31-OVER	5
10		(AND DEPARTMENTAL HEARING	
11		AND SANCTIONS PROVIDED	
12		UNDER SECTION 1538(D))	
13	3365(B)	EXCEEDING SPECIAL SPEED LIMIT	
14		IN SCHOOL ZONES.	3
15	3365(C)	EXCEEDING SPECIAL SPEED LIMIT	
16		FOR TRUCKS ON DOWNGRADES.	3
17	3542(A)	FAILURE TO YIELD TO PEDESTRIANS IN	
18		CROSSWALK.	2
19	3547	FAILURE TO YIELD TO PEDESTRIAN ON	
20		SIDEWALK.	3
21	3549(A)	FAILURE TO YIELD TO BLIND	
22		PEDESTRIAN.	3
23	3702	IMPROPER BACKING.	3
24	3714	RECKLESS DRIVING.	3
25	3745	LEAVING SCENE OF ACCIDENT	
26		INVOLVING PROPERTY DAMAGE ONLY.	4
27	<u>3755</u>	<u>EMERGENCY VEHICLE OPERATOR</u>	
28		<u>IMPROPERLY LEAVING SCENE OF</u>	
29		<u>ACCIDENT INVOLVING DAMAGE TO</u>	
30		<u>UNATTENDED VEHICLE OR PROPERTY.</u>	<u>4</u>

1 \* \* \*

2 § 3742. Accidents involving death or personal injury.

3 (a) General rule.--[The] Except as provided in section 3755  
4 (relating to accidents involving emergency vehicles), the driver  
5 of any vehicle involved in an accident resulting in injury or  
6 death of any person shall immediately stop the vehicle at the  
7 scene of the accident or as close thereto as possible but shall  
8 then forthwith return to and in every event shall remain at the  
9 scene of the accident until he has fulfilled the requirements of  
10 section 3744 (relating to duty to give information and render  
11 aid). Every stop shall be made without obstructing traffic more  
12 than is necessary.

13 \* \* \*

14 § 3743. Accidents involving damage to attended vehicle  
15 or property.

16 (a) General rule.--[The] Except as provided in section 3755  
17 (relating to accidents involving emergency vehicles), the driver  
18 of any vehicle involved in an accident resulting only in damage  
19 to a vehicle or other property which is driven or attended by  
20 any person shall immediately stop the vehicle at the scene of  
21 the accident or as close thereto as possible but shall forthwith  
22 return to and in every event shall remain at the scene of the  
23 accident until he has fulfilled the requirements of section 3744  
24 (relating to duty to give information and render aid). Every  
25 stop shall be made without obstructing traffic more than is  
26 necessary.

27 \* \* \*

28 § 3744. Duty to give information and render aid.

29 (a) General rule.--[The] Except as provided in section 3755  
30 (relating to accidents involving emergency vehicles), the driver

1 of any vehicle involved in an accident resulting in injury to or  
2 death of any person or damage to any vehicle or other property  
3 which is driven or attended by any person shall give his name,  
4 address and the registration number of the vehicle he is  
5 driving, and shall upon request exhibit his driver's license and  
6 proof of insurance to any person injured in the accident or to  
7 the driver or occupant of or person attending any vehicle or  
8 other property damaged in the accident and shall give the  
9 information and upon request exhibit the license and proof of  
10 insurance to any police officer at the scene of the accident or  
11 who is investigating the accident and shall render to any person  
12 injured in the accident reasonable assistance, including the  
13 making of arrangements for the carrying of the injured person to  
14 a physician, surgeon or hospital for medical or surgical  
15 treatment if it is apparent that treatment is necessary or if  
16 requested by the injured person.

17 \* \* \*

18 § 3745. Accidents involving damage to unattended vehicle or  
19 property.

20 [The] Except as provided in section 3755 (relating to  
21 accidents involving emergency vehicles), the driver of any  
22 vehicle which collides with or is involved in an accident with  
23 any vehicle or other property which is unattended resulting in  
24 any damage to the other vehicle or property shall immediately  
25 stop the vehicle at the scene of the accident or as close  
26 thereto as possible and shall then and there either locate and  
27 notify the operator or owner of the damaged vehicle or other  
28 property of his name, address, information relating to the  
29 certificate of insurance and the registration number of the  
30 vehicle being driven or shall attach securely in a conspicuous

1 place in or on the damaged vehicle or other property a written  
2 notice giving his name, address, information relating to the  
3 certificate of insurance and the registration number of the  
4 vehicle being driven and shall without unnecessary delay notify  
5 the nearest office of a duly authorized police department. Every  
6 stop shall be made without obstructing traffic more than is  
7 necessary.

8 Section 2. Title 75 is amended by adding a ~~section~~ SECTIONS ←  
9 to read:

10 § 3755. Accidents involving emergency vehicles.

11 (a) General rule.--The driver of an emergency vehicle  
12 involved in an accident when responding to an emergency call or  
13 when in the pursuit of an actual or suspected violator of the  
14 law or when responding to but not upon returning from a fire  
15 alarm shall comply with the provisions of sections 3742  
16 (relating to accidents involving death or personal injury)  
17 through 3745 (relating to accidents involving damage to  
18 unattended vehicle or property) ~~inclusive~~, as appropriate, ←  
19 except that the driver shall not be required to remain at the  
20 scene of the accident until the requirements of any of these  
21 sections have been fulfilled if the requirements are fulfilled  
22 by another person acting in behalf of the driver or by radio  
23 communication with police, fire, rescue or a similar agency  
24 established to deal with emergencies.

25 (b) Penalty.--

26 (1) Any person violating this section, ~~except as~~ ←  
27 ~~otherwise provided in paragraph (2),~~ WITH RESPECT TO AN ←  
28 ACCIDENT INVOLVING DAMAGE TO AN ATTENDED VEHICLE OR PROPERTY  
29 is guilty of a summary offense, punishable by a fine of \$300  
30 or imprisonment for not more than 90 days, or both.

1           (2) Any person violating this section in respect to an  
2           accident involving personal injury or death is guilty of a  
3           misdemeanor of the third degree.

4           (3) ANY PERSON VIOLATING THIS SECTION WITH RESPECT TO AN ←  
5           ACCIDENT INVOLVING DAMAGE TO AN UNATTENDED VEHICLE OR  
6           PROPERTY IS GUILTY OF A SUMMARY OFFENSE PUNISHABLE AS  
7           PROVIDED IN SECTION 6502(B) (RELATING TO SUMMARY OFFENSES).  
8           § 4949. TEMPORARY PROVISIONS FOR CERTAIN CONSTRUCTION VEHICLES.

9           (A) LAWFUL OPERATION.--NOTWITHSTANDING ANY PROVISION OF THIS  
10          TITLE TO THE CONTRARY, IT SHALL BE LAWFUL TO OPERATE A FOUR-AXLE  
11          CONSTRUCTION VEHICLE, PURCHASED ON OR BEFORE THE EFFECTIVE DATE  
12          OF THIS SECTION, WHICH DOES NOT EXCEED THE MAXIMUM GROSS WEIGHT  
13          OF 73,280 POUNDS ON ANY HIGHWAY IN THE COMMONWEALTH, REGARDLESS  
14          OF THE MAXIMUM AXLE WEIGHT PROVISIONS OF SECTION 4943 (RELATING  
15          TO MAXIMUM AXLE WEIGHT OF VEHICLE).

16          (B) EXPIRATION OF SECTION.--THIS SECTION SHALL EXPIRE MAY  
17          31, 1986.

18          Section 3. This act shall take effect in 60 days.