

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 150 Session of  
1999

INTRODUCED BY DEMPSEY, HENNESSEY, TIGUE, ARMSTRONG, FAIRCHILD,  
SAYLOR, S. MILLER, E. Z. TAYLOR, TRELLO, STERN, McCALL,  
SOLOBAY, RUBLEY AND HARHAI, JANUARY 27, 1999

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 27, 1999

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, providing for certain defenses relating to police  
3 and emergency vehicles.

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

6 Section 1. Section 3325 of Title 75 of the Pennsylvania  
7 Consolidated Statutes is amended by adding a subsection to read:  
8 § 3325. Duty of driver on approach of emergency vehicle.

9 \* \* \*

10 (c) It is a defense to prosecution under this section if the  
11 defendant can show by a preponderance of the evidence that the  
12 failure to stop immediately was based on a good faith concern  
13 for his or her personal safety. In determining whether the  
14 defendant has met this burden, the court shall consider the time  
15 and location the events took place, the defendant's conduct  
16 during the pursuit and whether the defendant stopped at the  
17 first available reasonably lighted and populated area.

18 Section 2. Section 3733(c) of Title 75 is amended to read:

1 § 3733. Fleeing or attempting to elude police officer.

2 \* \* \*

3 (c) Defenses.--

4 (1) It is a defense to a prosecution under this section  
5 that the pursuing police vehicle was not clearly identifiable  
6 by its markings or, if unmarked, was not occupied by a police  
7 officer who was in uniform and displaying a badge or other  
8 sign of authority.

9 (2) It is a defense to prosecution under this section if  
10 the defendant can show by a preponderance of the evidence  
11 that the failure to stop immediately was based on a good  
12 faith concern for his or her personal safety. In determining  
13 whether the defendant has met this burden, the court shall  
14 consider the time and location the events took place, the  
15 defendant's conduct during the pursuit and whether the  
16 defendant stopped at the first available reasonably lighted  
17 and populated area.

18 Section 3. This act shall take effect immediately.