

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 155 Session of
2001

INTRODUCED BY MARKOSEK, GEIST, SAYLOR, CAPPABIANCA, BARD,
DERMODY, FAIRCHILD, HESS, LAUGHLIN, LEH, MAHER, MARSICO,
McCALL, MCGILL, MELIO, PETRARCA, PIPPY, SANTONI, STAIRS,
WASHINGTON, DALLY, HORSEY AND LEWIS, JANUARY 29, 2001

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
FEBRUARY 12, 2001

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, adding and amending definitions; ~~and~~ further <—
3 providing for registration plates, for licensing of drivers,
4 for driver's license violations, for commercial drivers, for
5 obedience to and effect of traffic laws, for traffic-control
6 devices, for right-of-way, for maximum speed limits, for
7 rights and duties of pedestrians, for fleeing or attempting
8 to elude police officer, for lighting equipment, for
9 equipment of authorized and emergency vehicles, for
10 inspection requirements and for enforcement; AUTHORIZING THE <—
11 ATTORNEY GENERAL TO ISSUE SUBPOENAS FOR THE PURPOSE OF
12 INVESTIGATING GASOLINE AND FUEL PRICES; PROVIDING FOR A
13 SHARED-RIDE PROGRAM FOR PERSONS WITH SPECIAL MEDICAL NEEDS;
14 AND MAKING AN APPROPRIATION.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. The definition of "emergency vehicle" in section
18 102 of Title 75 of the Pennsylvania Consolidated Statutes is
19 amended and the section is amended by adding definitions to
20 read:

21 § 102. Definitions.

22 Subject to additional definitions contained in subsequent

provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Ambulance." Any vehicle which is specifically designed, constructed or modified and equipped and is used or intended to be used and is maintained or operated for the purpose of providing emergency medical care to and transportation of human patients. The term includes advanced or basic life support vehicles that may or may not transport such patients.

* * *

"Blood delivery vehicle." Any vehicle which is used or intended to be used and is maintained or operated for the purpose of transporting blood or blood products on an emergency basis.

* * *

"Emergency vehicle." A fire department vehicle, police vehicle, sheriff vehicle, ambulance, blood-delivery vehicle, human organ delivery vehicle, hazardous material response vehicle, armed forces emergency vehicle, one vehicle operated by a coroner or chief county medical examiner and one vehicle operated by a chief deputy coroner or deputy chief county medical examiner used for answering emergency calls, or any other vehicle designated by the State Police under section 6106 (relating to designation of emergency vehicles by Pennsylvania State Police), or a privately owned vehicle used in answering an emergency call when used by any of the following:

(1) A police chief and assistant chief.

(2) A fire chief, assistant chief and, when a fire

company has three or more fire vehicles, a second or third assistant chief.

(3) A fire police captain and fire police lieutenant.

(4) An ambulance corps commander and assistant commander.

(5) A river rescue commander and assistant commander.

(6) A county emergency management coordinator.

(7) A fire marshal.

(8) A rescue service chief and assistant chief.

* * *

"Fire department vehicle." A vehicle owned or leased by an organized paid or volunteer fire department.

* * *

"Flood vehicle." A motor vehicle that has been submerged in water to the point that rising water has reached over the door sill or has entered the passenger or trunk compartment.

* * *

"Hazardous material response vehicle." A vehicle owned or leased by a hazardous material response team certified through the Pennsylvania Emergency Management Agency.

* * *

"Human organ delivery vehicle." Any vehicle which is used or intended to be used and is maintained or operated for the purpose of transporting human organs or human tissue on an emergency basis.

* * *

Section 2. Sections 1339 and 1341 of Title 75 are amended to read:

§ 1339. Legislative plate.

Upon application by a member or retired member of the General

1 Assembly of the Commonwealth or the Congress of the United
2 States, the department [shall] may issue special registration
3 plates indicating that the vehicle is owned by a member or
4 retired member of the Pennsylvania or United States Senate or
5 House of Representatives, as appropriate.

6 § 1341. [Personal plate] Special registration plates generally.

7 Upon request by the applicant, the department may issue
8 registration plates consisting of any combination of numbers,
9 letters or numbers and letters. These special plates may be
10 issued for special groups or for special purposes and bear an
11 appropriate designation. Special groups may charge a fee for
12 authorization to request a registration plate bearing the name
13 of the group. They shall have the same force and effect as
14 regular registration plates. The department may refuse any
15 combination of letters and numbers for cause and shall adopt
16 reasonable rules and regulations for the issuance of the plates
17 and for carrying out the provisions of this section. The
18 applicant shall comply with all laws and regulations pertaining
19 to registration including the payment of any additional fees.
20 The department is authorized to reissue a combination of numbers
21 or letters for a personal plate if the department records reveal
22 that no activity, such as renewal or transfer of the personal
23 registration plate, has occurred for a period of five or more
24 consecutive years and provided that the personal registration
25 plate was never reported as lost or stolen. Whenever the
26 department reissues an inactive personal plate, the department
27 may purge its records of all references to the previous owners
28 of that personal plate. The department shall, however, note upon
29 its records the reissuance of the personal plate and to whom the
30 plate was issued.

1 Section 3. Sections 1510 and 1610 of Title 75 are amended by
2 adding subsections to read:

3 § 1510. Issuance and content of driver's license.

4 * * *

5 (h) Sale of photographs prohibited.--Neither the department
6 nor any person under contract with the department shall sell
7 photographs of holders of a driver's license or identification
8 card for any commercial purpose.

9 § 1610. Commercial driver's license.

10 * * *

11 (f) Sale of photographs prohibited.--Neither the department
12 nor any person under contract with the department shall sell
13 photographs of holders of a commercial driver's license for any
14 commercial purpose.

15 Section 4. Sections 3102, 3105, 3107(c), 3111(a), 3313(d)
16 and 3325 of Title 75 are amended to read:

17 § 3102. Obedience to authorized persons directing traffic.

18 No person shall willfully fail or refuse to comply with any
19 lawful order or direction of any uniformed police officer,
20 sheriff or constable or, in an emergency, a railroad or street
21 railway police officer; or any appropriately attired person,
22 including an agent or employee of the funeral director during a
23 funeral, authorized to direct, control or regulate traffic or an
24 employee who has been trained in traffic control by a licensed
25 and insured private security company and who is acting in the
26 scope of employment.

27 § 3105. Drivers of emergency vehicles.

28 (a) General rule.--The driver of an emergency vehicle, when
29 responding to an emergency call or when in the pursuit of an
30 actual or suspected violator of the law or when responding to

1 but not upon returning from a fire alarm or other emergency
2 call, may exercise the privileges set forth in this section, but
3 subject to the conditions stated in this section.

4 (b) Exercise of special privileges.--The driver of an
5 emergency vehicle may:

6 (1) Park or stand, irrespective of the provisions of
7 this part.

8 (2) Proceed past a red signal indication or stop sign,
9 but only after slowing down as may be necessary for safe
10 operation, except as provided in subsection (d).

11 (3) Exceed the maximum speed limits so long as the
12 driver does not endanger life or property, except as provided
13 in subsection (d).

14 (4) Disregard regulations governing direction of
15 movement, overtaking vehicles or turning in specified
16 directions.

17 (c) Audible and visual signals required.--The privileges
18 granted in this section to an emergency vehicle shall apply only
19 when the vehicle is making use of an audible signal and visual
20 signals meeting the requirements and standards set forth in
21 regulations adopted by the department[, except that an emergency
22 vehicle operated as a police vehicle need not be equipped with
23 or display the visual signals. An ambulance which is
24 transporting a patient may use either the lights or the audible
25 warning system, or both, as determined by the driver of the
26 ambulance].

27 (d) Ambulances [and blood-delivery], blood delivery vehicles
28 and human organ delivery vehicles.--The driver of an ambulance
29 [or blood-delivery], blood delivery vehicle or human organ
30 delivery vehicle shall comply with maximum speed limits, red

1 signal indications and stop signs. After ascertaining that the
2 ambulance [or blood-delivery], blood delivery vehicle or human
3 organ delivery vehicle will be given the right-of-way, the
4 driver may proceed through a red signal indication or stop sign.

5 (e) Exercise of care.--This section does not relieve the
6 driver of an emergency vehicle from the duty to drive with due
7 regard for the safety of all persons.

8 (f) Pedalcycles.--No part of this [title] section shall be
9 construed to restrict the operation of a pedalcycle used by a
10 police officer during the course of performing official duties.

11 (g) Emergency vehicle preemption devices.--

12 (1) The department may promulgate regulations for the
13 operation and use of preemptive traffic devices by emergency
14 vehicles.

15 (2) An individual other than authorized emergency
16 personnel who operates or uses a preemptive traffic device
17 commits a misdemeanor of the third degree.

18 (3) The possession of a preemptive traffic device by an
19 individual who is not an authorized user of the device is
20 prohibited. The device if in the possession of a
21 nonauthorized user shall be deemed contraband and shall be
22 seized by a law enforcement officer.

23 § 3107. Drivers in funeral processions.

24 * * *

25 (c) Right-of-way to emergency vehicles.--This section does
26 not relieve the driver of a vehicle which is being driven in a
27 funeral procession from yielding the right-of-way to an
28 emergency vehicle making use of audible [or] and visual signals,
29 nor from the duty to drive with due regard for the safety of all
30 persons.

1 § 3111. Obedience to traffic-control devices.

2 (a) General rule.--Unless otherwise directed by a uniformed
3 police officer or any appropriately attired person authorized to
4 direct, control or regulate traffic, the driver of any vehicle
5 shall obey the instructions of any applicable official traffic-
6 control device placed or held in accordance with the provisions
7 of this title, subject to the privileges granted the driver of
8 an [authorized] emergency vehicle in this title.

9 * * *

10 § 3313. Restrictions on use of limited access highways.

11 * * *

12 (d) Driving in right lane.--[Vehicles shall be driven in the
13 lane nearest the right-hand edge of the roadway, except when
14 overtaking another vehicle, or for a distance of up to two miles
15 in preparation for a left turn, or as directed by official
16 traffic control devices, police officers or appropriately
17 attired persons authorized to divert, control or regulate
18 traffic.]

19 (1) No driver shall drive continuously in the left lane
20 of a limited access highway so as to impede the flow of other
21 traffic.

22 (2) Upon all limited access highways having two or more
23 lanes for traffic moving in the same direction, all vehicles
24 shall be driven in the right-hand lane when available for
25 traffic except:

26 (i) when overtaking and passing another vehicle
27 proceeding in the same direction;

28 (ii) when traveling at a speed greater than the
29 traffic flow;

30 (iii) when moving left to allow traffic to merge; or

1 (iv) when preparing for a left turn at an
2 intersection, exit or into a private road or driveway
3 when such left turn is legally permitted.

4 (3) Unless otherwise posted, no vehicle towing a trailer
5 and no vehicle or combination over 10,000 pounds may be
6 driven in the left-hand lane of a limited access highway
7 having three or more lanes for traffic moving in the same
8 direction except when preparing for a left turn at an
9 intersection, exit or into a private road or driveway when
10 such left turn is legally permitted.

11 (4) This subsection shall not apply to a vehicle using a
12 vehicle lane designated for multioccupant vehicles or car
13 pools.

14 § 3325. Duty of driver on approach of emergency vehicle.

15 (a) General rule.--Upon the immediate approach of an
16 emergency vehicle making use of an audible signal and visual
17 signals meeting the requirements and standards set forth in
18 regulations adopted by the department, [or of a police vehicle
19 properly and lawfully making use of an audible signal only,] the
20 driver of every other vehicle shall yield the right-of-way and
21 shall immediately drive to a position parallel to, and as close
22 as possible to, the right-hand edge or curb of the roadway clear
23 of any intersection and shall stop and remain in that position
24 until the emergency vehicle has passed, except when otherwise
25 directed by a police officer or an appropriately attired person
26 authorized to direct, control or regulate traffic. On one-way
27 roadways a driver may comply by driving to the edge or curb
28 which is nearest to the lane in which he is traveling.

29 (b) Duty of operator of streetcar.--Upon the approach of an
30 emergency vehicle, the operator of every streetcar shall

1 immediately stop the streetcar clear of any intersection and
2 remain in that position until the emergency vehicle has passed,
3 except when otherwise directed by a police officer[.] or an
4 appropriately attired person authorized to direct, control or
5 regulate traffic.

6 (c) Defense.--It is a defense to prosecution under this
7 section if the defendant can show by a preponderance of the
8 evidence that the failure to stop immediately for a police
9 officer was based on a good faith concern for personal safety.
10 In determining whether the defendant has met this burden, the
11 court may consider the following factors:

12 (1) The time and location of the event.

13 (2) The type of vehicle used by the police officer.

14 (3) The defendant's conduct while being followed by the
15 police officer.

16 (4) Whether the defendant stopped at the first available
17 reasonably lighted or populated area.

18 (5) Any other factor considered relevant by the court.

19 Section 5. Title 75 is amended by adding sections to read:
20 § 3327. Duty of driver in emergency response areas.

21 (a) General rule.--When approaching or passing an emergency
22 response area, no person shall drive a vehicle:

23 (1) at a speed greater than is reasonable and prudent
24 under the conditions, having regard to the actual and
25 potential hazards then existing; or

26 (2) in disobedience of instructions or indications
27 relating to traffic flow which are made, either verbally or
28 through the use of signs, flares, signals, lights or other
29 traffic control devices, by law enforcement personnel or
30 emergency service responders.

1 (b) Penalty.--Any person violating subsection (a) commits a
2 summary offense and shall, upon conviction, pay a fine of \$85.

3 (c) Marking.--An emergency response area shall be clearly
4 marked with road flares, caution signs or any other traffic-
5 control device which law enforcement officials may have at their
6 immediate disposal.

7 (d) Reports by emergency service responders.--

8 (1) An emergency service responder observing a violation
9 of subsection (a) may prepare a written, signed report which
10 indicates that a violation has occurred. To the extent
11 possible, the report shall include the following information:

12 (i) Information pertaining to the identity of the
13 alleged violator.

14 (ii) The license number and color of the vehicle
15 involved in the violation.

16 (iii) The time and approximate location at which the
17 violation occurred.

18 (iv) Identification of the vehicle as an automobile,
19 station wagon, motor truck, motor bus, motorcycle or
20 other type of vehicle.

21 (2) Within 48 hours after the violation occurs, the
22 emergency service responder shall deliver a copy of the
23 report to a police officer having authority to exercise
24 police power in the area where the violation occurred. If the
25 police officer believes that the report established a
26 sufficient basis for the issuance of a citation, the officer
27 shall file a citation and a copy of the report with the
28 issuing authority. If the issuing authority determines that
29 the report and citation establish a sufficient basis for the
30 issuance of a summons, a summons shall be issued in

1 accordance with general rules governing the institution of
2 proceedings in summary traffic offense cases. The issuing
3 authority shall send the defendant a copy of the citation,
4 together with a statement that it was filed by the police
5 officer named in the citation on the basis of information
6 received.

7 (3) A person may institute a proceeding pursuant to this
8 subsection or in accordance with any means authorized by the
9 Pennsylvania Rules of Criminal Procedure.

10 (e) Fines to be doubled.--In addition to any penalty as
11 provided in subsection (b), the fine for any of the following
12 violations when committed in an emergency response area manned
13 by emergency service responders shall be double the usual
14 amount:

15 Section 3102 (relating to obedience to authorized persons
16 directing traffic).

17 Section 3111 (relating to obedience to traffic-control
18 devices).

19 Section 3114 (relating to flashing signals).

20 Section 3302 (relating to meeting vehicle proceeding in
21 opposite direction).

22 Section 3303 (relating to overtaking vehicle on the
23 left).

24 Section 3304 (relating to overtaking vehicle on the
25 right).

26 Section 3305 (relating to limitations on overtaking on
27 the left).

28 Section 3306 (relating to limitations on driving on left
29 side of roadway).

30 Section 3307 (relating to no-passing zones).

1 Section 3310 (relating to following too closely).

2 Section 3312 (relating to limited access highway
3 entrances and exits).

4 Section 3323 (relating to stop signs and yield signs).

5 Section 3325 (relating to duty of driver on approach of
6 emergency vehicle).

7 Section 3361 (relating to driving vehicle at safe speed).

8 Section 3707 (relating to driving or stopping close to
9 fire apparatus).

10 Section 3710 (relating to stopping at intersection or
11 crossing to prevent obstruction).

12 Section 3714 (relating to careless driving).

13 Section 3715.1 (relating to restriction on alcoholic
14 beverages).

15 Section 3731 (relating to driving under influence of
16 alcohol or controlled substance).

17 Section 3736 (relating to reckless driving).

18 (f) Definitions.--As used in this section, the following
19 words and phrases shall have the meanings given to them in this
20 subsection:

21 "Emergency response area." The area in which emergency
22 service responders render emergency assistance to individuals on
23 or near a roadway.

24 "Emergency service responder." An individual acting in an
25 official capacity as police officer, sheriff, deputy sheriff,
26 coroner, deputy coroner, firefighter, fire police, fire marshal,
27 medical examiner, deputy medical examiner, rescue personnel,
28 ambulance personnel, hazardous material response team member or
29 emergency medical service personnel.

30 § 3328. Unmarked police vehicles.

1 (a) General rule.--The Pennsylvania State Police, in
2 consultation with the department, shall promulgate regulations
3 for the use of unmarked vehicles by police officers. The
4 regulations shall:

5 (1) establish the procedure to be used by a police
6 officer in an unmarked vehicle when stopping a motorist;

7 (2) require the use of audible and visual signals which
8 meet the requirements and standards set forth in this title
9 and in regulations adopted by the department; and

10 (3) establish requirements for the wearing of an
11 official police uniform and the display of official police
12 identification.

13 (b) Public awareness.--The Pennsylvania State Police and the
14 department shall provide for the dissemination of information to
15 the public regarding the use of unmarked vehicles. Such
16 information shall accompany annual vehicle registration or
17 vehicle registration renewal forms distributed by the
18 department.

19 Section 6. Sections 3362(a)(1.1), 3548, 3733(a) and (c),
20 4306, 4571, 4572 and 4702(b)(7) of Title 75 are amended to read:
21 § 3362. Maximum speed limits.

22 (a) General rule.--Except when a special hazard exists that
23 requires lower speed for compliance with section 3361 (relating
24 to driving vehicle at safe speed), the limits specified in this
25 section or established under this subchapter shall be maximum
26 lawful speeds and no person shall drive a vehicle at a speed in
27 excess of the following maximum limits:

28 * * *

29 (1.1) 65 miles per hour for all vehicles[:

30 (i) on interstate highways outside of urbanized

1 areas of population of 50,000 or more; and

2 (ii)] on [other] freeways where the department has
3 posted a 65-miles-per-hour speed limit [in accordance
4 with the provisions of 23 U.S.C. (relating to highways)].

5 * * *

6 § 3548. Pedestrians to yield to [authorized] emergency
7 vehicles.

8 (a) General rule.--Upon the immediate approach of an
9 [authorized] emergency vehicle making use of audible and visual
10 signals meeting the requirements of this title, [or of a police
11 vehicle properly and lawfully making use of an audible signal
12 only,] every pedestrian shall yield the right-of-way to the
13 [authorized] emergency vehicle.

14 (b) Exercise of care by driver.--This section does not
15 relieve the driver of an [authorized] emergency vehicle from the
16 duty to drive with due regard for the safety of all persons
17 using the highway nor from the duty to exercise due care to
18 avoid colliding with any pedestrian.

19 § 3733. Fleeing or attempting to elude police officer.

20 (a) Offense defined.--Any driver of a motor vehicle who
21 willfully fails or refuses to bring his vehicle to a stop, or
22 who otherwise flees or attempts to elude a pursuing police
23 officer, when given a visual [or] and audible signal to bring
24 the vehicle to a stop, commits a misdemeanor of the second
25 degree. Any driver upon conviction shall pay an additional fine
26 of \$500. This fine shall be in addition to and not in lieu of
27 all other fines, court expenses, jail sentences or penalties.

28 * * *

29 (c) Defenses.--

30 (1) It is a defense to a prosecution under this section

1 that the pursuing police officer's vehicle was not clearly
2 identifiable by its markings or, if unmarked, was not
3 occupied by a police officer who was in uniform and
4 displaying a badge or other sign of authority.

5 (2) It is a defense to prosecution under this section if
6 the defendant can show by a preponderance of the evidence
7 that the failure to stop immediately for a police officer's
8 vehicle was based upon a good faith concern for personal
9 safety. In determining whether the defendant has met this
10 burden, the court may consider the following factors:

11 (i) The time and location of the event.

12 (ii) The type of police vehicle used by the police
13 officer.

14 (iii) The defendant's conduct while being followed
15 by the police officer.

16 (iv) Whether the defendant stopped at the first
17 available reasonably lighted or populated area.

18 (v) Any other factor considered relevant by the
19 court.

20 § 4306. Use of multiple-beam road lighting equipment.

21 (a) Approaching an oncoming vehicle.--Whenever the driver of
22 a vehicle approaches an oncoming vehicle within 500 feet, the
23 driver shall use the low beam of light.

24 (b) Approaching a vehicle from rear.--Whenever the driver of
25 a vehicle approaches another vehicle from the rear within 300
26 feet, the driver shall use the low beam of light.

27 (c) Exception.--

28 (1) [A police or sheriff vehicle] An emergency vehicle
29 which is equipped with a flashing headlamp system that
30 conforms to regulations promulgated by the department shall

1 be exempt from the provisions of this section only when the
2 vehicle is being used pursuant to the provisions of section
3 4571(e) (relating to visual and audible signals on emergency
4 vehicles).

5 (2) Nothing in this section shall limit drivers from
6 flashing high beams at oncoming vehicles as a warning of
7 roadway emergencies or other dangerous or hazardous
8 conditions ahead.

9 § 4571. Visual and audible signals on emergency vehicles.

10 (a) General rule.--Every emergency vehicle shall be equipped
11 with one or more revolving or flashing red lights and an audible
12 warning system. Spotlights with adjustable sockets may be
13 attached to or mounted on emergency vehicles.

14 (b) Police, sheriff, fire and coroner or medical examiner
15 vehicles.--

16 (1) Police, sheriff, coroner, medical examiner or fire
17 police vehicles may in addition to the requirements of
18 subsection (a) be equipped with one or more revolving or
19 flashing blue lights. The combination of red and blue lights
20 may be used only on police, sheriff, coroner, medical
21 examiner or fire police vehicles.

22 (2) Unmarked police and sheriff vehicles[,] used as
23 emergency vehicles and equipped with audible warning
24 systems[, may] shall be equipped with the lights described in
25 this [section] subsection.

26 (b.1) Mounted lights; additional equipment.--

27 [3] (1) Police, sheriff and fire vehicles may be
28 equipped with a mounted rack containing one or more emergency
29 warning lights or side mounted floodlights or alley lights or
30 all such lights[.], in conformance with department

1 regulations.

2 (2) Additional visual or audible warning signal
3 equipment, including, but not limited to, flashing headlamp
4 system, flashing or revolving white or clear lights, steady
5 burning lights, traffic-control emergency directional light
6 assembly, amber lights and intersection lights, may be
7 utilized on emergency vehicles in accordance with regulations
8 promulgated by the department.

9 (c.1) Public Utility Commission vehicles.--Vehicles owned or
10 operated by the Pennsylvania Public Utility Commission and used
11 in the enforcement of 66 Pa.C.S. Chs. 23 (relating to common
12 carriers) and 25 (relating to contract carrier by motor vehicle
13 and broker) may be equipped with revolving or flashing red
14 lights in accordance with subsection (a).

15 (d) Vehicles prohibited from using signals.--Except as
16 otherwise specifically provided in this [part] section, no
17 vehicle other than an emergency vehicle may be equipped with
18 revolving or flashing lights or audible warning systems
19 identical or similar to those specified in subsections (a) and
20 (b). A person who equips or uses a vehicle with visual or
21 audible warning systems in violation of this section commits a
22 summary offense and shall, upon conviction, be sentenced to pay
23 a fine of not less than \$500 nor more than \$1,000.

24 (e) Authorized period of use.--The lights and warning
25 systems specified by this section may be used only during an
26 emergency, or in the interest of public safety [and], or by
27 police officers, sheriffs and deputy sheriffs in enforcement of
28 the law. [An ambulance which is transporting a patient may use
29 either the lights or the audible warning system, or both, as
30 determined by the driver of the ambulance.] Unauthorized use of

1 the lights and warning systems specified by this section shall
2 be a summary offense punishable by a fine of not less than \$500
3 nor more than \$1,000.

4 (f) Conformity with department regulations.--All equipment
5 authorized or required by this section shall conform to
6 department regulations.

7 § 4572. Visual signals on authorized vehicles.

8 (a) Flashing or revolving blue lights.--Ambulance personnel,
9 volunteer firefighters and owners and handlers of dogs used in
10 tracking humans may each equip one motor vehicle with no more
11 than two flashing or revolving blue lights.

12 (1) In order to be eligible to display lights on their
13 vehicles under this subsection, the names of the ambulance
14 personnel and volunteer firefighters shall be submitted to
15 the nearest station of the Pennsylvania State Police on a
16 list signed by the chief of the ambulance or fire department
17 or company and each dog owner and handler shall register at
18 the nearest Pennsylvania State Police station.

19 (2) The manner in which the lights are displayed and
20 their intensity shall be determined by regulation of the
21 department.

22 (3) The lights shall be operable by the driver from
23 inside the vehicle.

24 (4) The lights may be used only while en route to or at
25 the scene of a fire or emergency call.

26 (5) The lights shall be removed from the vehicle [within
27 ten days of] immediately upon receipt of notice from the
28 chief of the ambulance or fire department or company to
29 remove the lights upon termination of the person's status as
30 an active volunteer firefighter or ambulance person or upon

1 termination of the person's active status as a dog owner or
2 handler, or when the vehicle is no longer used in connection
3 with the person's duties as a volunteer firefighter or
4 ambulance person or dog owner or handler.

5 (6) This subsection does not relieve the driver from the
6 duty to drive with due regard for the safety of all persons
7 nor exempt the driver from complying with all provisions of
8 this title.

9 (b) Flashing or revolving yellow lights.--Vehicles
10 authorized pursuant to the provisions of [section] sections 6106
11 (relating to designation of emergency vehicles by Pennsylvania
12 State Police) and 6107 (relating to designation of authorized
13 vehicles by department), tow trucks and vehicles used for snow
14 removal may be equipped with [no more than two] one or more
15 flashing or revolving yellow lights. The manner in which the
16 light or lights shall be displayed and the intensity shall be
17 determined by regulation of the department.

18 (c) Vehicles prohibited from using lights.--No vehicle other
19 than a duly authorized vehicle may be equipped with lights
20 identical or similar to those specified in subsections (a) and
21 (b). A person who equips or uses a vehicle with visual systems
22 in violation of this section commits a summary offense and
23 shall, upon conviction, be sentenced to pay a fine of not less
24 than \$100 nor more than \$500.

25 § 4702. Requirement for periodic inspection of vehicles.

26 * * *

27 (b) Semiannual safety inspection of certain vehicles.--The
28 following vehicles shall be subject to semiannual safety
29 inspections:

30 * * *

1 (7) Motor carrier vehicles with a registered gross
2 weight in excess of 17,000 pounds, other than farm vehicles
3 for which a biennial certificate of exemption has been
4 issued.

5 * * *

6 Section 7. Section 4704(c) of Title 75 is amended and the
7 section is amended by adding a subsection to read:

8 § 4704. Inspection by police or Commonwealth personnel.

9 * * *

10 (c) Operation prohibited if hazardous.--

11 (1) In the event a vehicle or a mass transit vehicle, or
12 its equipment, load or driver, in the reasonable judgment of
13 the officer or qualified Commonwealth employee, is in such
14 condition that further operation would be hazardous, the
15 officer or qualified Commonwealth employee may require that
16 the vehicle or the mass transit vehicle not be operated under
17 its own power or that the driver discontinue driving, or
18 both, and may so stipulate in the notice given under
19 subsection (b). In the case of motor carrier vehicles or
20 their drivers, all such determinations shall be based on out-
21 of-service criteria established in department regulations.

22 (2) In the event a motor carrier vehicle or mass transit
23 vehicle is involved in an accident that causes the death of
24 the vehicle operator or another person, the motor carrier
25 vehicle or mass transit vehicle shall be inspected by a
26 qualified Commonwealth employee, as designated by the
27 department in accordance with the provisions of subsection
28 (f), before the vehicle or driver will be allowed to continue
29 operation.

30 * * *

1 (h) Administrative coordination.--The department shall
2 coordinate with the Pennsylvania Public Utility Commission in
3 the enforcement of this section and 66 Pa.C.S. § 3312(a)
4 (relating to evasion of motor carrier and broker regulations).

5 Section 8. Sections 6106 and 6110(a) of Title 75 are amended
6 to read:

7 § 6106. Designation of emergency vehicles by Pennsylvania State
8 Police.

9 (a) General rule.--The Pennsylvania State Police may
10 designate any vehicle or group of vehicles as emergency vehicles
11 upon a finding that the designation is necessary to the
12 preservation of life or property or to the execution of
13 emergency governmental functions.

14 (a.1) Exception.--Vehicles designated as emergency vehicles
15 under this section shall not display or be equipped with a
16 combination of red and blue lights.

17 (b) Manner and carrying of designation.--The designation
18 shall be in writing and the written designation shall be carried
19 in the vehicle at all times[, but failure to carry the written
20 designation shall not affect the status of the vehicle as an
21 emergency vehicle].

22 § 6110. Regulation of traffic on Pennsylvania Turnpike.

23 (a) General rule.--The provisions of this title apply upon
24 any turnpike or highway under the supervision and control of the
25 Pennsylvania Turnpike Commission unless specifically modified by
26 rules and regulations promulgated by the commission which shall
27 become effective only upon publication in accordance with law. A
28 copy of the rules and regulations, so long as they are
29 effective, shall be posted at all entrances to the turnpike or
30 highway for the inspection of persons using the turnpike or

1 highway. This section does not authorize the establishment of a
2 maximum speed limit greater than 55 miles per hour, except that
3 a 65-miles-per-hour maximum speed limit for all vehicles may be
4 established[:

5 (1) on interstate highways outside of urbanized areas of
6 population of 50,000 or more; and

7 (2) on other freeways] where the commission has posted a
8 65-miles-per-hour speed limit [in accordance with the
9 provisions of 23 United States Code (relating to highways)].

10 * * *

11 SECTION 9. TITLE 75 IS AMENDED BY ADDING CHAPTERS TO READ: <—

12 CHAPTER 74

13 ATTORNEY GENERAL

14 SEC.

15 7401. ATTORNEY GENERAL INVESTIGATION INTO GASOLINE PRICES.

16 § 7401. ATTORNEY GENERAL INVESTIGATION INTO GASOLINE PRICES.

17 TO INVESTIGATE THE AVAILABILITY, SUPPLY AND PRICE OF
18 GASOLINE, DIESEL FUEL, HEATING OIL, KEROSENE AND PROPANE IN
19 PENNSYLVANIA, THE ATTORNEY GENERAL IS AUTHORIZED TO ISSUE
20 SUBPOENAS FOR PERSONS AND DOCUMENTS THAT MAY ASSIST THE ATTORNEY
21 GENERAL IN INVESTIGATING THE CAUSES OF ANY PRICE HIKES OF MORE
22 THAN 50% TO PENNSYLVANIA CONSUMERS FOR ANY OF THESE FUELS IN ANY
23 PERIOD UP TO A YEAR TO DETERMINE IF ANY FEDERAL OR STATE CRIMES
24 HAVE BEEN COMMITTED.

25 CHAPTER 78

26 SPECIAL PROGRAMS

27 SUBCHAPTER

28 A. PERSONS WITH SPECIAL MEDICAL NEEDS SHARED-RIDE PROGRAM

29 SUBCHAPTER A

30 PERSONS WITH SPECIAL MEDICAL NEEDS

1 SHARED-RIDE PROGRAM

2 SEC.

3 7801. SHORT TITLE OF SUBCHAPTER.

4 7802. LEGISLATIVE INTENT.

5 7803. DEFINITIONS.

6 7804. PERSONS WITH SPECIAL MEDICAL NEEDS SHARED-RIDE PROGRAM.

7 7805. CONSTRUCTION.

8 § 7801. SHORT TITLE OF SUBCHAPTER.

9 THIS SUBCHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE
10 PERSONS WITH DISABILITIES SHARED-RIDE PROGRAM ACT.

11 § 7802. LEGISLATIVE INTENT.

12 IT IS THE INTENT OF THE GENERAL ASSEMBLY AND THE PURPOSE OF
13 THIS SUBCHAPTER IS TO INCREASE PUBLIC TRANSPORTATION
14 OPPORTUNITIES FOR PENNSYLVANIA CITIZENS WHO HAVE SPECIAL MEDICAL
15 NEEDS THAT LIMIT THEIR MOBILITY. GRANTS MADE BY THIS PROGRAM ARE
16 INTENDED TO SUPPLEMENT AND SHALL NOT SUPPLANT EXISTING
17 TRANSPORTATION FUNDS OR EXISTING TRANSPORTATION SERVICES FOR
18 PERSONS WITH DISABILITIES.

19 § 7803. DEFINITIONS.

20 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
21 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
22 CONTEXT CLEARLY INDICATES OTHERWISE:

23 "COUNTY TRANSPORTATION SYSTEM." BUSES, VANS OR OTHER TRANSIT
24 VEHICLES PURCHASED, MAINTAINED AND OPERATED BY A COUNTY OR ITS
25 AGENTS AND USED TO PROVIDE FREE OR REDUCED RATE TRANSPORTATION
26 WITHIN THE COUNTY TO ELIGIBLE PERSONS WITH DISABILITIES OR
27 SPECIAL MEDICAL NEEDS.

28 "ELIGIBLE APPLICANT." A PROVIDER OF SHARED-RIDE PROGRAMS FOR
29 THE ELDERLY, COUNTY, COUNTY TRANSPORTATION SYSTEM,
30 TRANSPORTATION AUTHORITY, LOCAL TRANSPORTATION ORGANIZATION,

1 MUNICIPALITY, TRANSPORTATION COMPANY OR URBAN COMMON CARRIER
2 MASS TRANSPORTATION PROVIDER.

3 "FIXED-ROUTE PUBLIC TRANSPORTATION SERVICES." REGULARLY
4 SCHEDULED TRANSPORTATION THAT IS AVAILABLE TO THE GENERAL PUBLIC
5 AND IS PROVIDED ACCORDING TO PUBLISHED SCHEDULES ALONG
6 DESIGNATED PUBLISHED ROUTES WITH SPECIFIED STOPPING POINTS FOR
7 THE TAKING ON AND DISCHARGING OF PASSENGERS. ELIGIBLE SERVICES
8 INCLUDE PUBLIC BUS AND COMMUTER RAIL SYSTEMS. THE TERM DOES NOT
9 INCLUDE EXCLUSIVE RIDE TAXI SERVICE, CHARTER OR SIGHTSEEING
10 SERVICES, NONPUBLIC TRANSPORTATION AND SCHOOL BUS OR LIMOUSINE
11 SERVICES.

12 "LOCAL TRANSPORTATION ORGANIZATION." A MUNICIPALITY OR MASS
13 TRANSPORTATION, PORT, REDEVELOPMENT OR AIRPORT AUTHORITY
14 ORGANIZED UNDER THE LAWS OF PENNSYLVANIA OR PURSUANT TO AN
15 INTERSTATE COMPACT OR OTHERWISE EMPOWERED TO RENDER, CONTRACT
16 FOR THE RENDERING OR ASSIST IN THE RENDERING OF TRANSPORTATION
17 SERVICE IN A LIMITED AREA IN THIS COMMONWEALTH, EVEN THOUGH IT
18 MAY ALSO RENDER OR ASSIST IN RENDERING TRANSPORTATION SERVICE IN
19 ADJACENT STATES.

20 "PERSON WITH SPECIAL MEDICAL NEEDS." AN INDIVIDUAL WITH A
21 MEDICAL CONDITION THAT REQUIRES MEDICAL SERVICES ON A MINIMUM OF
22 A WEEKLY BASIS AS CERTIFIED BY A MEDICAL DOCTOR AND WHICH MAY
23 PREVENT THE PERSON FROM TRANSPORTING HIMSELF OR ENGAGING IN
24 REGULARLY PROVIDED PUBLIC TRANSPORTATION SYSTEMS.

25 "PROGRAM." SHARED-RIDE PUBLIC TRANSPORTATION SERVICES FOR
26 PERSONS WITH SPECIAL MEDICAL NEEDS ESTABLISHED BY THIS
27 SUBCHAPTER.

28 "PROVIDER." AN ELIGIBLE APPLICANT THAT APPLIES FOR AND IS
29 APPROVED FOR GRANT FUNDS UNDER THIS SUBCHAPTER.

30 "SHARED-RIDE PUBLIC TRANSPORTATION SERVICES." THE TERM SHALL

1 INCLUDE DEMAND-RESPONSIVE TRANSPORTATION THAT IS AVAILABLE TO
2 THE GENERAL PUBLIC, OPERATES ON A NONFIXED-ROUTE BASIS AND
3 CHARGES A FARE TO ALL RIDERS. FOR TRANSPORTATION TO BE INCLUDED
4 IN THIS TERM, THE FIRST FARE-PAYING PASSENGERS TO ENTER THE
5 PUBLIC TRANSPORTATION VEHICLE MAY NOT REFUSE TO SHARE THE
6 VEHICLE WITH OTHER PASSENGERS DURING A GIVEN TRIP. THE TERM DOES
7 NOT INCLUDE EXCLUSIVE RIDE TAXI SERVICE, CHARTER OR SIGHTSEEING
8 SERVICES, NONPUBLIC TRANSPORTATION AND SCHOOL BUS OR LIMOUSINE
9 SERVICES.

10 "TRANSIT VEHICLE." A SELF-PROPELLED OR ELECTRICALLY
11 PROPELLED VEHICLE DESIGNED FOR CARRYING FOUR OR MORE PASSENGERS,
12 EXCLUSIVE OF THE DRIVER, OTHER THAN A TAXICAB, DESIGNED AND USED
13 FOR THE TRANSPORTATION OF PERSONS FOR COMPENSATION.

14 "TRANSPORTATION COMPANY." A PERSON, FIRM OR CORPORATION
15 RENDERING PUBLIC PASSENGER SERVICE, WITH OR WITHOUT THE
16 RENDERING OF ANOTHER SERVICE, IN THIS COMMONWEALTH PURSUANT TO
17 COMMON CARRIER AUTHORIZATION FROM THE PENNSYLVANIA PUBLIC
18 UTILITY COMMISSION OR THE INTERSTATE COMMERCE COMMISSION.

19 "URBAN COMMON CARRIER MASS TRANSPORTATION." TRANSPORTATION
20 WITHIN AN AREA THAT INCLUDES A MUNICIPALITY OR OTHER BUILT-UP
21 PLACE WHICH IS APPROPRIATE, IN THE JUDGMENT OF THE DEPARTMENT,
22 FOR A COMMON CARRIER TRANSPORTATION SYSTEM TO SERVE COMMUTERS OR
23 OTHERS IN THE LOCALITY, TAKING INTO CONSIDERATION THE LOCAL
24 PATTERNS AND TRENDS OF URBAN GROWTH, BY BUS OR RAIL OR OTHER
25 CONVEYANCE, EITHER PUBLICLY OR PRIVATELY OWNED, SERVING THE
26 GENERAL PUBLIC, BUT NOT INCLUDING SCHOOL BUSES OR CHARTER OR
27 SIGHTSEEING SERVICES.

28 § 7804. PERSONS WITH SPECIAL MEDICAL NEEDS SHARED-RIDE PROGRAM.

29 (A) POWER AND DUTY OF DEPARTMENT.--THE DEPARTMENT SHALL
30 ESTABLISH AND ADMINISTER A PROGRAM AUTHORIZING GRANTS TO

1 ELIGIBLE APPLICANTS THAT AGREE TO PROVIDE SHARED-RIDE PUBLIC
2 TRANSPORTATION SERVICES TO ELIGIBLE PERSONS WITH SPECIAL MEDICAL
3 NEEDS. AS PART OF THE PROGRAM, THE DEPARTMENT SHALL:

4 (1) ESTABLISH A PROCESS THROUGH WHICH POTENTIAL
5 PROVIDERS RECEIVE NOTICE OF THE PROGRAM, ARE GIVEN THE
6 OPPORTUNITY TO SUBMIT GRANT PROPOSALS AND ARE EVALUATED BASED
7 ON ELIGIBILITY CRITERIA ESTABLISHED BY THIS SUBCHAPTER.

8 (2) AWARD GRANTS TO PROVIDERS THAT MEET THE ELIGIBILITY
9 CRITERIA ESTABLISHED BY THIS SUBCHAPTER.

10 (3) ENTER INTO CONTRACTS WITH PROVIDERS THAT MEET THE
11 ELIGIBILITY CRITERIA ESTABLISHED BY THIS SUBCHAPTER.

12 (B) REQUEST FOR PROPOSAL PROCESS.--THE DEPARTMENT SHALL
13 ESTABLISH A REQUEST FOR PROPOSAL PROCESS WHEREIN NOTICE OF THE
14 PROGRAM IS PUBLISHED IN THE PENNSYLVANIA BULLETIN, ELIGIBLE
15 APPLICANTS ARE GIVEN AN OPPORTUNITY TO SUBMIT PROPOSALS AND THE
16 PROPOSALS ARE EVALUATED. FOR ANY ELIGIBLE APPLICANT TO RECEIVE
17 GRANT FUNDS UNDER THE PROGRAM, THE APPLICANT'S PROPOSAL MUST
18 DEMONSTRATE EACH OF THE FOLLOWING:

19 (1) THE APPLICANT HAS THE ABILITY TO PROVIDE SHARED-
20 RIDE, POINT-TO-POINT ACCESSIBLE SERVICES FOR ELIGIBLE PERSONS
21 WITH SPECIAL MEDICAL NEEDS.

22 (2) THE APPLICANT HAS THE ABILITY TO LIMIT ACCESS TO THE
23 PROGRAM TO THOSE ELIGIBLE PERSONS WITH SPECIAL MEDICAL NEEDS.

24 (3) THE APPLICANT HAS THE ABILITY TO ADMINISTER THE
25 PROGRAM SUCH THAT ELIGIBLE PERSONS WITH SPECIAL MEDICAL NEEDS
26 PAY NO MORE THAN 15% OF THE FULL-FARE COST OF THE
27 TRANSPORTATION.

28 (4) THE APPLICANT HAS THE ABILITY TO IMPLEMENT AN
29 ELIGIBILITY VERIFICATION PROCESS TO ENSURE THAT ACCESS TO THE
30 PROGRAM IS LIMITED TO ELIGIBLE PERSONS WITH SPECIAL MEDICAL

1 NEEDS.

2 (5) THE APPLICANT HAS THE ABILITY TO COMPILE SUCH
3 INFORMATION AS THE DEPARTMENT MAY REQUIRE.

4 (6) THE APPLICANT HAS THE ABILITY TO SOLICIT AND RECEIVE
5 PUBLIC PARTICIPATION FROM PERSONS WITH SPECIAL MEDICAL NEEDS
6 IN THE DEVELOPMENT OF THE APPLICATION AND THE PLANNING,
7 IMPLEMENTATION AND ADMINISTRATION OF THE PROGRAM.

8 (7) THE APPLICANT HAS THE ABILITY TO SERVE EITHER
9 PORTIONS OF A COUNTY THAT ARE RURAL IN NATURE OR PORTIONS OF
10 A COUNTY NOT CURRENTLY SERVED BY FIXED-ROUTE PUBLIC
11 TRANSPORTATION SERVICES.

12 (C) GRANT AWARDS.--THE DEPARTMENT MAY AWARD GRANTS TO ANY
13 PROVIDER THAT MEETS THE ELIGIBILITY CRITERIA IN SUBSECTION (B),
14 PROVIDED, THAT, IN DETERMINING GRANT AWARDS, THE DEPARTMENT
15 SHALL:

16 (1) ENSURE THAT APPLICANTS FROM RURAL, SUBURBAN AND
17 URBAN AREAS OF THIS COMMONWEALTH ARE CONSIDERED FOR GRANT
18 FUNDS.

19 (2) GIVE PRIORITY TO APPLICANTS WHOSE SERVICE AREAS ARE
20 RURAL IN NATURE OR WHOSE SERVICE AREAS ARE NOT CURRENTLY
21 SERVED BY FIXED-ROUTE PUBLIC TRANSPORTATION SERVICES.

22 (3) GIVE PRIORITY TO APPLICANTS THAT HAVE THE ABILITY TO
23 PROVIDE OR COORDINATE SERVICES ACROSS COUNTY LINES.

24 (D) LIMITATION ON GRANT AMOUNTS.--GRANTS AUTHORIZED TO A
25 PROVIDER UNDER THIS SUBCHAPTER SHALL BE LIMITED TO AN AMOUNT
26 EQUAL TO 85% OF THE TOTAL COST OF EACH PROVIDER'S PROGRAM.
27 INDIVIDUALS UTILIZING THE PROGRAM SHALL CONTRIBUTE THE REMAINING
28 15% THROUGH FARES.

29 (E) AGREEMENT.--THE DEPARTMENT MAY ENTER INTO AN AGREEMENT
30 WITH ANY PROVIDER THAT MEETS THE CRITERIA UNDER SUBSECTIONS (B)

1 AND (C) TO AWARD GRANT FUNDS UNDER THIS SUBCHAPTER. THE
2 AGREEMENT SHALL INCLUDE TERMS REQUIRING THAT GRANT FUNDS BE USED
3 IN ACCORDANCE WITH THE PROPOSAL SUBMITTED TO THE DEPARTMENT BY
4 THE PROVIDER. THE TIME, PAYMENT, AMOUNT AND ANY OTHER CONDITIONS
5 ON THE RECEIPT OF THE GRANT FUNDS SHALL BE SET FORTH IN THE
6 AGREEMENT.

7 § 7805. CONSTRUCTION.

8 NOTHING IN THIS SUBCHAPTER SHALL BE CONSTRUED AS CREATING OR
9 PROVIDING ANY INDIVIDUAL WITH AN ENTITLEMENT TO SERVICES.
10 SERVICES UNDER THIS SUBCHAPTER SHALL BE MADE AVAILABLE ONLY TO
11 THE EXTENT OF AVAILABILITY AND LEVEL OF APPROPRIATIONS MADE BY
12 THE GENERAL ASSEMBLY.

13 SECTION 10. THE SUM OF \$2,000,000, OR AS MUCH THEREOF AS MAY
14 BE NECESSARY, IS HEREBY APPROPRIATED TO THE DEPARTMENT OF
15 TRANSPORTATION TO CARRY OUT THE PERSONS WITH SPECIAL MEDICAL
16 NEEDS SHARED-RIDE PROGRAM ESTABLISHED IN 75 PA.C.S. CH. 78
17 SUBCH. A.

18 Section 9 11. This act shall take effect in 60 days.

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