

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 1225 Session of  
2001

INTRODUCED BY CORMAN, MADIGAN, STOUT, PICCOLA, DENT, EARLL,  
ORIE, KASUNIC, LEMMOND, MURPHY, MUSTO, SCARNATI, WAGNER,  
WAUGH, WENGER, D. WHITE AND BOSCOLA, DECEMBER 3, 2001

AS AMENDED ON THIRD CONSIDERATION, JUNE 12, 2002

## AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for definitions, for vehicles not  
3 requiring certificate of title and for vehicles exempt from  
4 registration; providing for electric personal assistive  
5 mobility devices; and further providing for driving upon  
6 sidewalk.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. The ~~definitions~~ DEFINITION of "motor vehicle" and <—  
10 "~~vehicle~~" in section 102 of Title 75 of the Pennsylvania  
11 Consolidated Statutes ~~are~~ IS amended and the section is amended <—  
12 by adding a definition to read:

13 § 102. Definitions.

14 Subject to additional definitions contained in subsequent  
15 provisions of this title which are applicable to specific  
16 provisions of this title, the following words and phrases when  
17 used in this title shall have, unless the context clearly  
18 indicates otherwise, the meanings given to them in this section:

19 \* \* \*

1 "Electric personal assistive mobility device" or "EPAMD." A  
2 self-balancing two-nontandem-wheeled device designed to  
3 transport only one person with an electric propulsion system.

4 \* \* \*

5 "Motor vehicle." A vehicle which is self-propelled except  
6 [one] an electric personal assistive mobility device or a  
7 vehicle which is propelled solely by human power or by electric  
8 power obtained from overhead trolley wires, but not operated  
9 upon rails.

10 \* \* \*

11 ~~"Vehicle." Every device in, upon or by which any person or~~ <—  
12 ~~property is or may be transported or drawn upon a highway,~~  
13 ~~except devices used exclusively upon rails or tracks. The term~~  
14 ~~does not include a self propelled wheelchair or an electrical~~  
15 ~~mobility device operated by and designed for the exclusive use~~  
16 ~~of a person with a mobility related disability or an electric~~  
17 ~~personal assistive mobility device (EPAMD).~~

18 \* \* \*

19 Section 2. Sections 1102 and 1302 of Title 75 are amended by  
20 adding paragraphs to read:

21 § 1102. Vehicles not requiring certificate of title.

22 No certificate of title is required for:

23 \* \* \*

24 (12) An electric personal assistive mobility device.

25 § 1302. Vehicles exempt from registration.

26 The following types of vehicles are exempt from registration:

27 \* \* \*

28 (20) An electric personal assistive mobility device.

29 Section 3. Chapter 35 of Title 75 is amended by adding a  
30 subchapter to read:

1 SUBCHAPTER E

2 ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES

3 Sec.

4 3581. Equipment.

5 3582. Pedalcycle helmets for certain persons.

6 3583. EPAMD prohibited on freeways.

7 § 3581. Equipment.

8 (a) Exemption.--Electrical personal assistive mobility  
9 devices shall be exempted from the vehicle equipment  
10 requirements in Chapters 41 (relating to equipment standards),  
11 43 (relating to lighting equipment) and 45 (relating to other  
12 required equipment) and department regulations relating to those  
13 sections.

14 (b) Lamps and reflectors.--Every EPAMD when operated on a  
15 sidewalk, sidewalk area or highway between sunset and sunrise  
16 shall be equipped on the front with a lamp which emits a beam of  
17 white light intended to illuminate the EPAMD operator's path and  
18 visible from a distance of at least 500 feet in front, a red  
19 reflector facing to the rear which is visible at least 500 feet  
20 to the rear and a reflector on each side.

21 § 3582. Pedalcycle helmets for certain persons.

22 (a) General rule.--A child under 12 years of age may not  
23 operate an EPAMD unless the person is wearing a pedalcycle  
24 helmet meeting the requirements of section 3510 (relating to  
25 pedalcycle helmets for certain persons).

26 (b) Waiver of fine.--If a person receives a citation issued  
27 by the proper authority for violation of subsection (a), a  
28 district justice, magistrate or judge shall dismiss the charges  
29 if the person prior to or at his hearing displays evidence of  
30 acquisition of a helmet meeting the standards prescribed in

1 subsection (a) to the district justice, magistrate or judge.  
2 Sufficient evidence shall include a receipt mailed to the  
3 appropriate court officer which evidences purchase or transfer  
4 of such a helmet from another helmet owner, evidenced by a  
5 notarized letter.

6 (c) Exemption.--This section shall not apply to a child  
7 under 12 years of age who can produce a statement from the  
8 family's church authorities attesting that it is against the  
9 tenets of the family's religion to wear a helmet.

10 (d) Civil actions.--In no event shall a violation or alleged  
11 violation of subsection (a) be used as evidence in a trial of  
12 any civil action, nor shall any jury in a civil action be  
13 instructed that any conduct did constitute or could be  
14 interpreted by the jury to constitute a violation of subsection  
15 (a), nor shall failure to use a pedalcycle helmet be considered  
16 as contributory negligence, nor shall failure to use a  
17 pedalcycle helmet be admissible as evidence in the trial of any  
18 civil action.

19 (e) Penalty.--Notwithstanding any other provisions of law,  
20 any violation of subsection (a) is punishable by a fine,  
21 including all penalties, assessments and court costs imposed on  
22 the convicted person not to exceed \$25. The parent or legal  
23 guardian having control or custody of a child under 12 years of  
24 age whose conduct violates this section shall be jointly and  
25 severally liable with the person for the amount of the fine  
26 imposed.

27 (f) Definitions.--As used in this section, the term "wearing  
28 a pedalcycle helmet" means having a pedalcycle helmet of good  
29 fit fastened securely upon the head with the helmet straps.

30 § 3583. EPAMD prohibited on freeways.

1 No person shall operate an EPAMD on a freeway.

2 Section 4. Section 3703 of Title 75 is amended to read:

3 § 3703. Driving upon sidewalk.

4 (a) General rule.--Except as provided in subsection (b) or  
5 (c), no person shall drive any vehicle except a human-powered  
6 vehicle upon a sidewalk or sidewalk area except upon a permanent  
7 or duly authorized temporary driveway.

8 (b) Certain mobility-related devices for persons with  
9 disabilities.--Any municipality may permit the operation of a  
10 self-propelled wheelchair or an electrical mobility device on a  
11 sidewalk or sidewalk area for the specific purpose of giving  
12 persons with mobility-related disabilities the capability of  
13 transporting themselves. The municipality may impose such  
14 restrictions as are necessary to protect the interests of  
15 pedestrians and others using the sidewalk or sidewalk area.

16 (c) Electric personal assistive mobility device (EPAMD).--  
17 Unless prohibited by ordinance, a municipality shall permit the  
18 operation of an electric personal assistive mobility device on a  
19 sidewalk or sidewalk area. A municipality may impose such  
20 restrictions as may be necessary to protect the interests of  
21 pedestrians and others using the sidewalk or sidewalk area.

22 Section 5. This act shall take effect in 60 days.