

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1715 Session of
2005

INTRODUCED BY STERN, JUNE 14, 2005

REFERRED TO COMMITTEE ON TRANSPORTATION, JUNE 14, 2005

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, defining "incident," "incident area" and "incident
3 clearance"; and providing for duties of drivers approaching
4 accident or incident scene.

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

7 Section 1. Section 102 of Title 75 of the Pennsylvania
8 Consolidated Statutes is amended by adding definitions to read:

9 § 102. Definitions.

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

15 * * *

16 "Incident." An emergency road user occurrence, a natural
17 disaster or a special event.

18 "Incident area." An area of a highway where authorized

1 officials impose a temporary traffic control zone in response to
2 an incident.

3 "Incident clearance." The process of highway crash
4 clearance, removing wreckage, debris or any other matter that
5 disrupts the normal flow of traffic and restoring roadway
6 capacity to its pre-incident condition. The term includes
7 temporary repair to the infrastructure.

8 * * *

9 Section 2. Title 75 is amended by adding a section to read:

10 § 3745.2. Duties of drivers approaching accident or incident
11 scene.

12 (a) General rule.--When in or approaching an incident area,
13 a driver shall obey the direction of any authorized official
14 directing traffic and all applicable traffic control devices.

15 (b) Authorized towing and recovery functions.--When directed
16 by a police officer, towing and recovery service providers are
17 authorized to perform the following enumerated functions and any
18 other actions reasonably necessary to perform those enumerated
19 functions:

20 (1) Removal of vehicles from the incident area.

21 (2) Protection of property and vehicles.

22 (3) Removal of debris from the roadway.

23 (4) Transportation of persons or cargo.

24 (c) Incident clearance.--Towing and recovery service
25 providers acting as responders to an incident when a police
26 officer is present in the incident area shall remain at least 50
27 feet from any vehicle or wreckage involved in the incident and
28 shall not proceed with incident clearance until directed by a
29 police officer.

30 (d) Penalty.--Any person violating this section commits a

1 summary offense and shall, upon conviction, be sentenced to pay
2 a fine of not more than \$500.
3 Section 3. This act shall take effect in 60 days.