

**VEHICLE CODE (75 PA.C.S.) - SCHEDULE OF CONVICTIONS AND POINTS,
DUTY OF DRIVER IN EMERGENCY RESPONSE AREAS, HOMICIDE BY VEHICLE
AND AGGRAVATED ASSAULT BY VEHICLE**

Act of Oct. 29, 2020, P.L. 1057, No. 105

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SB 1281

AN ACT

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in licensing of drivers, further providing for schedule of convictions and points; in rules of the road in general, further providing for duty of driver in emergency response areas; and, in offenses in general, further providing for the offenses of homicide by vehicle and of aggravated assault by vehicle.

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

Section 1. Sections 1535(a), 3327, 3732(b)(1.1) and 3732.1(b)(2) of Title 75 of the Pennsylvania Consolidated Statutes are amended to read:

§ 1535. Schedule of convictions and points.

(a) General rule.--A point system for driver education and control is hereby established which is related to other provisions for use, suspension and revocation of the operating privilege as specified under this title. Every driver licensed in this Commonwealth who is convicted of any of the following offenses shall be assessed points as of the date of violation in accordance with the following schedule:

Section Number	Offense	Points
1512	Violation of restriction on driver's license.	2
1571	Violation concerning license.	3
3102	Failure to obey policeman or authorized person.	2
3111.1	Obedience to traffic-control devices warning of hazardous conditions.	2
3112(a)(3)(i) or (ii)	Failure to stop for a red light.	3
3114(a)(1)	Failure to stop for a flashing red light.	3
3302	Failure to yield half of roadway to oncoming vehicle.	3
3303	Improper passing.	3
3304	Other improper passing.	3
3305	Other improper passing.	3
3306(a)(1)	Other improper passing.	4
3306(a)(2)	Other improper passing.	3
3306(a)(3)	Other improper passing.	3
3307	Other improper passing.	3
3310	Following too closely.	3
3321	Failure to yield to driver on the right at intersection.	3
3322	Failure to yield to oncoming driver when making left turn.	3
3323(b)	Failure to stop for stop sign.	3

3323(c)	Failure to yield at yield sign.	3
3324	Failure to yield when entering or crossing roadway between intersections.	3
3327(a) or (a.1)	Duty of driver in emergency response area and in relation to disabled vehicles.	2
3332	Improper turning around.	3
3341(a)	Failure to obey signal indicating approach of train.	2
3341(b)	Failure to comply with crossing gate or barrier. (and 30 days' suspension)	4
3342(b) or (e)	Failure to stop at railroad crossings.	4
3344	Failure to stop when entering from alley, driveway or building.	3
3345(a)	Failure to stop for school bus with flashing red lights. (and 60 days' suspension)	5
3361	Driving too fast for conditions.	2
3362	Exceeding maximum speed.--Over Limit:	
	6-10	2
	11-15	3
	16-25	4
	26-30	5
	31-over	5
	(and departmental hearing and sanctions provided under section 1538(d))	
3365(b)	Exceeding special speed limit in school zone. (and 60 days' suspension for a second or subsequent offense)	3
3365(c)	Exceeding special speed limit for trucks on downgrades.	3
3542(a)	Failure to yield to pedestrian in crosswalk.	2
3547	Failure to yield to pedestrian on sidewalk.	3
3549(a)	Failure to yield to blind pedestrian.	3
3702	Improper backing.	3
3714(a)	Careless driving.	3
3745	Leaving scene of accident involving property damage only.	4

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§ 3327. Duty of driver in emergency response areas **and in relation to disabled vehicles.**

(a) [General rule] **Emergency response areas.**--When approaching or passing an emergency response area, a person, unless otherwise directed by an emergency service responder, shall:

(1) pass in a lane not adjacent to that of the emergency response area, if possible; or

(2) if passing in a nonadjacent lane is impossible, illegal or unsafe, pass the emergency response area at a [careful and prudent reduced] speed of **no more than 20 miles per hour less than the posted speed limit and** reasonable for safely passing the emergency response area.

(a.1) Disabled vehicles.--When approaching or passing a disabled vehicle, a person shall:

(1) if it is possible to do so, pass in a lane not adjacent to that of the disabled vehicle; or

(2) if it is impossible, illegal or unsafe to comply with paragraph (1), pass the disabled vehicle at a rate of speed that is no more than 20 miles per hour less than the posted speed limit and reasonable for safely passing the disabled vehicle.

(b) Penalty.--Any person violating subsection (a) **or (a.1)** commits a summary offense and shall, upon conviction, pay:

(1) For a first offense, a fine of not more than [\$250] **\$500.**

(2) For a second offense, a fine of not more than [\$500] **\$1,000.**

(3) For a third or subsequent offense, a fine of not more than [\$1,000] **\$2,000.**

(b.1) Suspension of operating privilege.--

(1) Except as otherwise provided in paragraph (2), in accordance with section 1540 (relating to surrender of license), the department shall suspend the operating privilege of any person for 90 days upon receiving a certified record of the driver's conviction, adjudication of delinquency or admission into an Accelerated Rehabilitative Disposition program or a preadjudication program for a violation of subsection (a) **or (a.1)**, if the certified conviction:

(i) indicates the violation resulted in serious bodily injury to or death of another person; or

(ii) is the driver's third or subsequent conviction for a violation of subsection (a) **or (a.1)**.

(2) Upon receiving a certified record of the driver's conviction, adjudication of delinquency or admission into an Accelerated Rehabilitative Disposition program or a preadjudication program for a violation of subsection (a) **or (a.1)**, in accordance with section 1540, the department shall suspend the operating privilege of the driver in accordance with the following:

(i) For a period of six months if the certified conviction, adjudication of delinquency or admission into an Accelerated Rehabilitative Disposition program or a preadjudication program indicates the violation resulted in the serious bodily injury of an emergency service responder **or a person in or near a disabled vehicle.**

(ii) For a period of one year if the certified conviction, adjudication of delinquency or admission into an Accelerated Rehabilitative Disposition program or a preadjudication program indicates the violation resulted in the death of an emergency service responder **or a person in or near a disabled vehicle.**

(b.2) Penalties for bodily injury or death **in emergency response areas.**--In addition to any other penalty prescribed by law, a driver who violates [this section] **subsection (a)** and causes bodily injury to, serious bodily injury to or the death

of an emergency service responder **or another person** commits an offense and shall, upon conviction, as follows:

(1) For causing bodily injury as defined in 18 Pa.C.S. § 2301 (relating to definitions), pay a fine of not more than \$1,000.

(2) For causing serious bodily injury, pay a fine of not more than \$5,000.

(3) For causing death, pay a fine of not more than \$10,000.

(b.3) Penalties for bodily injury or death in relation to disabled vehicles.--In addition to any other penalty prescribed by law, a driver who violates subsection (a.1) and causes bodily injury to, serious bodily injury to or the death of another person commits an offense:

(1) For causing bodily injury as defined in 18 Pa.C.S. § 2301, pay a fine of not more than \$1,000.

(2) For causing serious bodily injury as defined in 18 Pa.C.S. § 2301, pay a fine of not more than \$5,000.

(3) For causing death, pay a fine of not more than \$10,000.

(c) Marking.--

(1) An emergency response area shall be clearly marked with road flares, caution signs or any other traffic-control device which law enforcement officials may have at their immediate disposal or visual signals on vehicles meeting the requirements of Subchapter D of Chapter 45 (relating to equipment of authorized and emergency vehicles).

(2) A disabled vehicle shall use at least two of the following markings:

(i) Vehicular hazard signal lamps as provided in section 4305 (relating to vehicular hazard signal lamps).

(ii) Caution signs or other traffic-control device.

(iii) Road flares.

(d) Reports by emergency service responders.--

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

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

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

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

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

(2) Within 48 hours after the violation occurs, the emergency service responder shall deliver a copy of the report to a police officer having authority to exercise police power in the area where the violation occurred. If the police officer believes that the report established a sufficient basis for the issuance of a citation, the officer shall file a citation and a copy of the report with the issuing authority. If the issuing authority determines that the report and citation establish a sufficient basis for the issuance of a summons, a summons shall be issued in accordance with general rules governing the institution of proceedings in summary traffic offense cases. The issuing authority shall send the defendant a copy of the citation, together with a statement that it was filed by the police

officer named in the citation on the basis of information received.

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

(e) Fines to be doubled.--In addition to any penalty as provided in subsections (b) [and], (b.2) **and (b.3)**, the fine for any of the following violations when committed in an emergency response area manned by emergency service responders shall be double the usual amount:

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

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

Section 3114 (relating to flashing signals).

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

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

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

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

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

Section 3307 (relating to no-passing zones).

Section 3310 (relating to following too closely).

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

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

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

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

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

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

Section 3714 (relating to careless driving).

Section 3736 (relating to reckless driving).

Section 3802 (relating to driving under influence of alcohol or controlled substance).

(e.1) Public awareness.--The department shall educate the public of the provisions of this section [as it deems appropriate] **periodically throughout the year and maintain information on the department's publicly accessible Internet website. The department shall refer to the education effort as the "Move Over" campaign.**

(f) [Definition.--As used in this section, the term "emergency response area" means any of the following:]
Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Disabled vehicle." A vehicle that is in a traffic lane or on the side of a traffic lane and is clearly marked with at least two of the markings specified in subsection (c)(2).

"Emergency response area." Any of the following:

(1) The area in which emergency service responders render emergency assistance to individuals on or near a roadway or a police officer is conducting a traffic stop or systematic check of vehicles or controlling or directing traffic as long as the emergency vehicle is making use of

visual signals meeting the requirements of Subchapter D of Chapter 45.

(2) The area in which contractors or employees of a public utility, a municipally owned utility or an electric cooperative provide disaster emergency-related services, including, but not limited to, the repair, renovation, installation, construction and activities related to damaged, impaired or destroyed infrastructure, within the first 72 hours after a declared emergency or until the expiration of a declared emergency, whichever is later, as long as the vehicles used to provide disaster emergency-related services are making use of visual signals as authorized under section 4572(b) (relating to visual signals on authorized vehicles).

§ 3732. Homicide by vehicle.

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(b) Sentencing.--

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(1.1) In addition to any other penalty provided by law, a person convicted of a violation of subsection (a) who is also convicted of a violation of section 1501 (relating to drivers required to be licensed), 1543 (relating to driving while operating privilege is suspended or revoked), 3316 (relating to prohibiting text-based communications), 3325 (relating to duty of driver on approach of emergency vehicle) or 3327 (relating to duty of driver in emergency response areas **and in relation to disabled vehicles**) may be sentenced to an additional term not to exceed five years' confinement.

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§ 3732.1. Aggravated assault by vehicle.

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(b) Sentencing.--

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(2) In addition to any other penalty provided by law, a person convicted of a violation of subsection (a) who is also convicted of a violation of section 1501 (relating to drivers required to be licensed), 1543 (relating to driving while operating privilege is suspended or revoked), 3316 (relating to prohibiting text-based communications), 3325 (relating to duty of driver on approach of emergency vehicle) or 3327 (relating to duty of driver in emergency response areas **and in relation to disabled vehicles**) may be sentenced to an additional term not to exceed two years' confinement.

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Section 2. This amendatory act may be referred to as the Move Over Law.

Section 3. This act shall take effect in 180 days.

APPROVED--The 29th day of October, A.D. 2020.

TOM WOLF