

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 359

Session of
1981

INTRODUCED BY HOFFEL AND WACHOB, FEBRUARY 2, 1981

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 24, 1981

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for the operation of emergency
3 vehicles AND PROVIDING FOR THE LAWFUL OPERATION OF CERTAIN
4 CONSTRUCTION VEHICLES. <—

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

7 Section 1. Sections 1532, 1535(A) 3742(a), 3743(a), 3744(a) <—
8 and 3745 of Title 75, act of November 25, 1970 (P.L.707,
9 No.230), known as the Pennsylvania Consolidated Statutes, are
10 amended to read:

11 § 1532. REVOCATION OR SUSPENSION OF OPERATING PRIVILEGE. <—

12 (A) REVOCATION.--THE DEPARTMENT SHALL REVOKE THE OPERATING
13 PRIVILEGE OF ANY DRIVER FOR ONE YEAR UPON RECEIVING A CERTIFIED
14 RECORD OF THE DRIVER'S CONVICTION OF ANY OF THE FOLLOWING
15 OFFENSES:

16 (1) ANY FELONY IN THE COMMISSION OF WHICH A COURT
17 DETERMINES THAT A VEHICLE WAS ESSENTIALLY INVOLVED.

18 (2) ANY SUBSEQUENT VIOLATION OF SECTION 3731 (RELATING

1 TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED
2 SUBSTANCE) WITHIN THREE YEARS OF A PRIOR VIOLATION.

3 (3) ANY VIOLATION OF THE FOLLOWING PROVISIONS:

4 SECTION 3732 (RELATING TO HOMICIDE BY VEHICLE).

5 SECTION 3742 (RELATING TO ACCIDENTS INVOLVING DEATH
6 OR PERSONAL INJURY).

7 SECTION 3755 (RELATING TO ACCIDENTS INVOLVING
8 EMERGENCY VEHICLES) IF THE ACCIDENT RESULTED IN DEATH OR
9 PERSONAL INJURY.

10 SECTION 7102(B) (RELATING TO REMOVAL OR FALSIFICATION
11 OF IDENTIFICATION NUMBER).

12 SECTION 7103(B) (RELATING TO DEALING IN VEHICLES WITH
13 REMOVED OR FALSIFIED NUMBERS).

14 SECTION 7111 (RELATING TO DEALING IN TITLES AND
15 PLATES FOR STOLEN VEHICLES).

16 SECTION 7121 (RELATING TO FALSE APPLICATION FOR
17 CERTIFICATE OF TITLE OR REGISTRATION).

18 SECTION 7122 (RELATING TO ALTERED, FORGED OR
19 COUNTERFEIT DOCUMENTS AND PLATES).

20 (B) SUSPENSION.--

21 (1) THE DEPARTMENT SHALL SUSPEND THE OPERATING PRIVILEGE
22 OF ANY DRIVER FOR SIX MONTHS UPON RECEIVING A CERTIFIED
23 RECORD OF THE DRIVER'S CONVICTION OF ANY OFFENSE UNDER THE
24 FOLLOWING PROVISIONS:

25 SECTION 3367 (RELATING TO RACING ON HIGHWAYS).

26 SECTION 3731 (RELATING TO DRIVING UNDER INFLUENCE OF
27 ALCOHOL OR CONTROLLED SUBSTANCE).

28 SECTION 3733 (RELATING TO FLEEING OR ATTEMPTING TO
29 ELUDE POLICE OFFICER).

30 SECTION 3734 (RELATING TO DRIVING WITHOUT LIGHTS TO

1 AVOID IDENTIFICATION OR ARREST).

2 SECTION 3743 (RELATING TO ACCIDENTS INVOLVING DAMAGE
3 TO ATTENDED VEHICLE OR PROPERTY).

4 SECTION 3755 (RELATING TO ACCIDENTS INVOLVING
5 EMERGENCY VEHICLES) IF THE ACCIDENT RESULTED IN DAMAGE TO
6 AN ATTENDED VEHICLE OR PROPERTY.

7 (2) THE DEPARTMENT SHALL SUSPEND THE OPERATING PRIVILEGE
8 OF ANY DRIVER FOR SIX MONTHS UPON RECEIVING A CERTIFIED
9 RECORD OF THE DRIVER'S CONVICTION OF A SUBSEQUENT OFFENSE
10 UNDER THE FOLLOWING PROVISIONS:

11 SECTION 1501(A) (RELATING TO DRIVERS REQUIRED TO BE
12 LICENSED).

13 SECTION 1543 (RELATING TO DRIVING WHILE OPERATING
14 PRIVILEGE IS SUSPENDED OR REVOKED).

15 (3) THIS SUBSECTION DOES NOT EFFECT AN ADDITIONAL PERIOD
16 OF REVOCATION OF THE OPERATING PRIVILEGES OF A DRIVER WHO
17 RECEIVES AN ADDITIONAL PERIOD OF REVOCATION FOR A SECOND OR
18 SUBSEQUENT VIOLATION OF SECTION 1543.

19 § 1535. SCHEDULE OF CONVICTIONS AND POINTS.

20 (A) GENERAL RULE.--A POINT SYSTEM FOR DRIVER EDUCATION AND
21 CONTROL IS HEREBY ESTABLISHED WHICH IS RELATED TO OTHER
22 PROVISIONS FOR USE, SUSPENSION AND REVOCATION OF THE OPERATING
23 PRIVILEGE AS SPECIFIED UNDER THIS TITLE. EVERY DRIVER LICENSED
24 IN THIS COMMONWEALTH WHO IS CONVICTED OF ANY OF THE FOLLOWING
25 OFFENSES SHALL BE ASSESSED POINTS AS OF THE DATE OF VIOLATION IN
26 ACCORDANCE WITH THE FOLLOWING SCHEDULE:

27	SECTION NUMBER	OFFENSE	POINTS
28	1512	VIOLATION OF RESTRICTION ON	
29		DRIVER'S LICENSE.	2
30	1571	VIOLATIONS CONCERNING LICENSES.	3

1	3102	FAILURE TO OBEY POLICEMAN OR	
2		AUTHORIZED PERSON.	2
3	3112(A)(3)(I)	FAILURE TO STOP FOR A RED LIGHT.	3
4	3114(A)(1)	FAILURE TO STOP FOR A FLASHING	
5		RED LIGHT.	3
6	3302	FAILURE TO YIELD HALF OF ROADWAY	
7		TO ONCOMING VEHICLE.	3
8	3303	IMPROPER PASSING.	3
9	3304	OTHER IMPROPER PASSING.	3
10	3305	OTHER IMPROPER PASSING.	3
11	3306(A)(1)	OTHER IMPROPER PASSING.	4
12	3306(A)(2)	OTHER IMPROPER PASSING.	3
13	3306(A)(3)	OTHER IMPROPER PASSING.	3
14	3307	OTHER IMPROPER PASSING.	3
15	3310	FOLLOWING TOO CLOSELY.	3
16	3321	FAILURE TO YIELD TO DRIVER ON THE	
17		RIGHT AT INTERSECTION.	3
18	3322	FAILURE TO YIELD TO ONCOMING	
19		DRIVER WHEN MAKING LEFT TURN.	3
20	3323(B)	FAILURE TO STOP FOR STOP SIGNS.	3
21	3324	FAILURE TO YIELD WHEN ENTERING OR	
22		CROSSING ROADWAY BETWEEN INTER-	
23		SECTIONS.	3
24	3332	IMPROPER TURNING AROUND.	3
25	3341	FAILURE TO STOP FOR FLASHING RED	
26		LIGHTS OR GATE AT RAILROAD	
27		CROSSING.	3
28	3344	FAILURE TO STOP WHEN ENTERING FROM	
29		ALLEY, DRIVEWAY OR BUILDING.	3
30	3345(A)	FAILURE TO STOP FOR SCHOOL BUS	

1		WITH FLASHING RED LIGHTS.	5
2		(AND 30 DAYS SUSPENSION)	
3	3361	DRIVING TOO FAST FOR CONDITIONS.	2
4	3362	EXCEEDING MAXIMUM SPEED.--OVER LIMIT:	
5		6-10	2
6		11-15	3
7		16-25	4
8		26-30	5
9		31-OVER	5
10		(AND DEPARTMENTAL HEARING	
11		AND SANCTIONS PROVIDED	
12		UNDER SECTION 1538(D))	
13	3365(B)	EXCEEDING SPECIAL SPEED LIMIT	
14		IN SCHOOL ZONES.	3
15	3365(C)	EXCEEDING SPECIAL SPEED LIMIT	
16		FOR TRUCKS ON DOWNGRADES.	3
17	3542(A)	FAILURE TO YIELD TO PEDESTRIANS IN	
18		CROSSWALK.	2
19	3547	FAILURE TO YIELD TO PEDESTRIAN ON	
20		SIDEWALK.	3
21	3549(A)	FAILURE TO YIELD TO BLIND	
22		PEDESTRIAN.	3
23	3702	IMPROPER BACKING.	3
24	3714	RECKLESS DRIVING.	3
25	3745	LEAVING SCENE OF ACCIDENT	
26		INVOLVING PROPERTY DAMAGE ONLY.	4
27	<u>3755</u>	<u>EMERGENCY VEHICLE OPERATOR</u>	
28		<u>IMPROPERLY LEAVING SCENE OF</u>	
29		<u>ACCIDENT INVOLVING DAMAGE TO</u>	
30		<u>UNATTENDED VEHICLE OR PROPERTY.</u>	<u>4</u>

1 * * *

2 § 3742. Accidents involving death or personal injury.

3 (a) General rule.--[The] Except as provided in section 3755
4 (relating to accidents involving emergency vehicles), the driver
5 of any vehicle involved in an accident resulting in injury or
6 death of any person shall immediately stop the vehicle at the
7 scene of the accident or as close thereto as possible but shall
8 then forthwith return to and in every event shall remain at the
9 scene of the accident until he has fulfilled the requirements of
10 section 3744 (relating to duty to give information and render
11 aid). Every stop shall be made without obstructing traffic more
12 than is necessary.

13 * * *

14 § 3743. Accidents involving damage to attended vehicle
15 or property.

16 (a) General rule.--[The] Except as provided in section 3755
17 (relating to accidents involving emergency vehicles), the driver
18 of any vehicle involved in an accident resulting only in damage
19 to a vehicle or other property which is driven or attended by
20 any person shall immediately stop the vehicle at the scene of
21 the accident or as close thereto as possible but shall forthwith
22 return to and in every event shall remain at the scene of the
23 accident until he has fulfilled the requirements of section 3744
24 (relating to duty to give information and render aid). Every
25 stop shall be made without obstructing traffic more than is
26 necessary.

27 * * *

28 § 3744. Duty to give information and render aid.

29 (a) General rule.--[The] Except as provided in section 3755
30 (relating to accidents involving emergency vehicles), the driver

1 of any vehicle involved in an accident resulting in injury to or
2 death of any person or damage to any vehicle or other property
3 which is driven or attended by any person shall give his name,
4 address and the registration number of the vehicle he is
5 driving, and shall upon request exhibit his driver's license and
6 proof of insurance to any person injured in the accident or to
7 the driver or occupant of or person attending any vehicle or
8 other property damaged in the accident and shall give the
9 information and upon request exhibit the license and proof of
10 insurance to any police officer at the scene of the accident or
11 who is investigating the accident and shall render to any person
12 injured in the accident reasonable assistance, including the
13 making of arrangements for the carrying of the injured person to
14 a physician, surgeon or hospital for medical or surgical
15 treatment if it is apparent that treatment is necessary or if
16 requested by the injured person.

17 * * *

18 § 3745. Accidents involving damage to unattended vehicle or
19 property.

20 [The] Except as provided in section 3755 (relating to
21 accidents involving emergency vehicles), the driver of any
22 vehicle which collides with or is involved in an accident with
23 any vehicle or other property which is unattended resulting in
24 any damage to the other vehicle or property shall immediately
25 stop the vehicle at the scene of the accident or as close
26 thereto as possible and shall then and there either locate and
27 notify the operator or owner of the damaged vehicle or other
28 property of his name, address, information relating to the
29 certificate of insurance and the registration number of the
30 vehicle being driven or shall attach securely in a conspicuous

1 place in or on the damaged vehicle or other property a written
2 notice giving his name, address, information relating to the
3 certificate of insurance and the registration number of the
4 vehicle being driven and shall without unnecessary delay notify
5 the nearest office of a duly authorized police department. Every
6 stop shall be made without obstructing traffic more than is
7 necessary.

8 Section 2. Title 75 is amended by adding ~~a section~~ SECTIONS <—
9 to read:

10 § 3755. Accidents involving emergency vehicles.

11 (a) General rule.--The driver of an emergency vehicle
12 involved in an accident when responding to an emergency call or
13 when in the pursuit of an actual or suspected violator of the
14 law or when responding to but not upon returning from a fire
15 alarm shall comply with the provisions of sections 3742
16 (relating to accidents involving death or personal injury)
17 through 3745 (relating to accidents involving damage to
18 unattended vehicle or property) inclusive, as appropriate, <—
19 except that the driver shall not be required to remain at the
20 scene of the accident until the requirements of any of these
21 sections have been fulfilled if the requirements are fulfilled
22 by another person acting in behalf of the driver or by radio
23 communication with police, fire, rescue or a similar agency
24 established to deal with emergencies.

25 (b) Penalty.--

26 (1) Any person violating this section, ~~except as~~ <—
27 ~~otherwise provided in paragraph (2),~~ WITH RESPECT TO AN <—
28 ACCIDENT INVOLVING DAMAGE TO AN ATTENDED VEHICLE OR PROPERTY
29 is guilty of a summary offense, punishable by a fine of \$300
30 or imprisonment for not more than 90 days, or both.

1 (2) Any person violating this section in respect to an
2 accident involving personal injury or death is guilty of a
3 misdemeanor of the third degree.

4 (3) ANY PERSON VIOLATING THIS SECTION WITH RESPECT TO AN <—
5 ACCIDENT INVOLVING DAMAGE TO AN UNATTENDED VEHICLE OR
6 PROPERTY IS GUILTY OF A SUMMARY OFFENSE PUNISHABLE AS
7 PROVIDED IN SECTION 6502(B) (RELATING TO SUMMARY OFFENSES).
8 § 4949. TEMPORARY PROVISIONS FOR CERTAIN CONSTRUCTION VEHICLES.

9 (A) LAWFUL OPERATION.--NOTWITHSTANDING ANY PROVISION OF THIS
10 TITLE TO THE CONTRARY, IT SHALL BE LAWFUL TO OPERATE A FOUR-AXLE
11 CONSTRUCTION VEHICLE, PURCHASED ON OR BEFORE THE EFFECTIVE DATE
12 OF THIS SECTION, WHICH DOES NOT EXCEED THE MAXIMUM GROSS WEIGHT
13 OF 73,280 POUNDS ON ANY HIGHWAY IN THE COMMONWEALTH, REGARDLESS
14 OF THE MAXIMUM AXLE WEIGHT PROVISIONS OF SECTION 4943 (RELATING
15 TO MAXIMUM AXLE WEIGHT OF VEHICLE).

16 (B) EXPIRATION OF SECTION.--THIS SECTION SHALL EXPIRE MAY
17 31, 1986.

18 Section 3. This act shall take effect in 60 days.