

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 48

Session of  
1995

INTRODUCED BY GEIST, FARMER, HERMAN, D. R. WRIGHT, McCALL,  
BATTISTO, CIVERA, TRELLO, YOUNGBLOOD, MASLAND, MILLER,  
JOSEPHS, TRUE, MELIO, PRESTON, STAIRS, PETTIT, ZUG, MERRY,  
STURLA, HERSHEY, STEELMAN, CAPPABIANCA, FAJT, EGOLF, NAILOR  
AND MICOZZIE, FEBRUARY 7, 1995

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, APRIL 24, 1995

## AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further defining "pedalcycles"; further providing  
3 for the operation of pedalcycles on Commonwealth highways,  
4 for pedalcycle helmets, for the use of hearing impairment  
5 devices and for hand and arm signals; repealing the  
6 Pedalcycle Helmet Fund; and providing for the establishment  
7 of the Pennsylvania Pedalcycle and Pedestrian Advisory  
8 Committee.

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

11 Section 1. The definition of "pedalcycle" in section 102 of  
12 Title 75 of the Pennsylvania Consolidated Statutes is amended to  
13 read:

14 § 102. Definitions.

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

1       \* \* \*

2       "Pedalcycle." A vehicle propelled solely by human-powered  
3 pedals. The term does not mean a three-wheeled human-powered  
4 pedal-driven vehicle with a main driving wheel 20 inches in  
5 diameter or under and primarily designed for children six years  
6 of age or younger.

7       \* \* \*

8       Section 2. Section 3105 of Title 75 is amended by adding a  
9 subsection to read:

10   § 3105. Drivers of emergency vehicles.

11       \* \* \*

12       (f) Pedalcycles.--No part of this title shall be construed  
13 to restrict the operation of a pedalcycle used by a police  
14 officer during the course of performing official duties.

15       Section 3. Sections 3314, 3336, 3504, 3505 and 3507(a) of  
16 Title 75 are amended to read:

17   § 3314. Prohibiting use of hearing impairment devices.

18       (a) General rule.--No [driver] person shall operate a  
19 vehicle while wearing or using one or more headphones[, ] or  
20 earphones. [or any similar device which the department by  
21 regulation determines would impair the ability of the driver to  
22 hear traffic sounds.]

23       (b) Exception.--This section does not prohibit the use of  
24 hearing aids or other devices for improving the hearing of the  
25 [driver] person nor does it prohibit the use of communication  
26 equipment by the driver of [a fire vehicle] an emergency vehicle  
27 or by motorcycle operators complying with section 3525 (relating  
28 to protective equipment for motorcycle riders).

29   § 3336. Method of giving hand and arm signals.

30       All signals given by hand and arm shall be given from the

1 left side of the vehicle in the following manner except as  
2 indicated for pedalcycles and motorcycles and the signals shall  
3 indicate as follows:

4 (1) For a left turn, the hand and arm shall be extended  
5 horizontally.

6 (2) For a right turn, the left hand and arm shall be  
7 extended upward[.], except that operators of motorcycles and  
8 pedalcycles may also be permitted to signal a right turn by  
9 extending the right hand and arm horizontally.

10 (3) To stop or decrease speed, the left hand and arm  
11 shall be extended downward.

12 § 3504. Riding on pedalcycles.

13 (a) Use of seat by operator.--A person propelling a  
14 pedalcycle shall not ride other than upon or astride a permanent  
15 and regular seat attached to the pedalcycle.

16 (b) Number of riders.--No pedalcycle shall be used to carry  
17 more persons at one time than the number for which the  
18 pedalcycle is designed and equipped except that an adult rider  
19 may [carry a child securely attached to the rider in a back pack  
20 or sling] transport a child in a restraining seat which is  
21 securely attached to the pedalcycle or in a trailer which is  
22 towed by a pedalcycle.

23 § 3505. Riding on roadways and pedalcycle paths.

24 [(a) General rule.--Except as provided in subsection (b),  
25 every person operating a pedalcycle upon a roadway shall ride as  
26 near to the right side of the roadway as practicable, exercising  
27 due care when passing a standing vehicle or one proceeding in  
28 the same direction.

29 (b) One-way highways.--Any person operating a pedalcycle  
30 upon a roadway of a highway, which highway carries traffic in

1 one direction only and has two or more marked traffic lanes, may  
2 ride as near the left-hand curb or edge of the roadway as  
3 practicable, exercising due care when passing a standing vehicle  
4 or one proceeding in the same direction.

5 (c) Limitation on riding abreast.--Persons riding  
6 pedalcycles upon a roadway shall not ride more than two abreast  
7 except on paths or parts of roadways set aside for the exclusive  
8 use of pedalcycles.

9 (d) Use of available pedalcycle paths.--Whenever a lane or  
10 path for pedalcycles has been provided as part of a highway,  
11 pedalcycle riders shall use the lane or path and shall not use  
12 any other part of the highway. This subsection does not apply  
13 when use of the pedalcycle lane or path is not possible, safe or  
14 reasonable.]

15 (a) General rule.--Except as provided in subsections (b) and  
16 (c), every person operating a pedalcycle upon a highway shall  
17 obey the applicable rules of the road as contained in this  
18 title.

19 (b) Operation on shoulder.--A pedalcycle may be operated on  
20 the shoulder of a highway and shall be operated in the same  
21 direction as required of vehicles operated on the roadway.

22 (c) Slower than prevailing speeds.--A pedalcycle operated at  
23 slower than prevailing speed shall be operated in accordance  
24 with the provisions of section 3301(b), unless it is unsafe to  
25 do so.

26 (d) One-way roadways.--Any person operating a pedalcycle  
27 upon a roadway, which carries traffic in one direction only and  
28 has two or more marked traffic lanes, may ride as near the left-  
29 hand curb or edge of the roadway as practicable, exercising due  
30 care when passing a standing vehicle or one proceeding in the

1 same direction.

2 (e) Two-way roadways.--On two-way roadways, any pedalcycle  
3 shall be driven in the right-hand lane then available for  
4 traffic and as close as practicable to the right-hand curb or  
5 edge of the roadway. This subsection shall not apply to an  
6 operator who must necessarily drive away from the right-hand  
7 curb or edge of the roadway for reasons of safety.

8 (f) Limitation on riding abreast.--Persons riding  
9 pedalcycles upon a roadway shall not ride more than two abreast  
10 except on paths or parts of roadways set aside for the exclusive  
11 use of pedalcycles.

12 § 3507. Lamps and other equipment on pedalcycles.

13 (a) Lamps and reflectors.--Every pedalcycle when in use  
14 between sunset and sunrise shall be equipped on the front with a  
15 lamp which emits a beam of white light intended to illuminate  
16 the pedalcycle operator's path and visible from a distance of at  
17 least 500 feet to the front. Operators of pedalcycles may  
18 supplement the required front lamp with a white flashing lamp,  
19 light-emitting diode or similar device to enhance their  
20 visibility to other traffic and with a red reflector on the rear  
21 [of a type approved by the department] which shall be visible  
22 from all distances from [100 feet to 600] 500 feet to the rear  
23 and with an amber reflector on each side. A lamp emitting a red  
24 [light] flashing lamp, light-emitting diode or similar device  
25 visible from a distance of 500 feet to the rear may be used in  
26 addition to the red reflector. A lamp worn by the operator of a  
27 pedalcycle shall comply with the requirements of this subsection  
28 if the lamp can be seen at the distances specified. [All lamps  
29 and reflectors shall be of a type approved by the department.]

30 \* \* \*

Section 4. Section 3510 of Title 75, amended December 28,  
1994 (P.L.1445, No.170), is amended to read:

§ 3510. Pedalcycle helmets for certain persons.

(a) General rule.--A person under 12 years of age shall not  
operate a pedalcycle or ride as a passenger on a pedalcycle  
unless the person is wearing a pedalcycle helmet meeting the  
standards of the American National Standards Institute [or of],  
the American Society for Testing and Materials, the Snell  
Memorial Foundation's Standards for Protective Headgear for Use  
in Bicycling or any other nationally recognized standard for  
pedalcycle helmet approval. This subsection shall also apply to  
a person who rides:

(1) upon a pedalcycle while in a restraining seat  
attached to a pedalcycle; or

(2) in a trailer towed by a pedalcycle.

(b) Helmet to be labeled.--Any helmet sold or offered for  
sale for use by operators and passengers of pedalcycles shall be  
[conspicuously] labeled in accordance with the standard  
described in subsection (a), which shall constitute the  
manufacturer's certification that the helmet conforms to the  
applicable safety standards.

(b.1) Sale of helmet.--No person shall sell or offer for  
sale for use by an operator or passenger of a pedalcycle a  
helmet which is not of a type meeting the requirements  
established by this section.

(b.2) Waiver of fine.--If a person receives a citation  
issued by the proper authority for violation of subsection (a),  
a district justice, magistrate or judge shall dismiss the  
charges if the person prior to or at his hearing displays  
evidence of acquisition of a helmet meeting the standards

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

6 (B.3) 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 (c) 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 them to constitute a violation of subsection (a);  
15 nor shall failure to use a pedalcycle helmet be considered as  
16 contributory negligence nor shall failure to use a pedalcycle  
17 helmet be admissible as evidence in the trial of any civil  
18 action.

19 (d) 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 court imposing and  
23 collecting any such fines shall transfer the fines thus  
24 collected to the State Treasurer for deposit in the Pedalcycle  
25 Helmet Fund, pursuant to section 3512 (relating to Pedalcycle  
26 Helmet Fund).] The parent or legal guardian having control or  
27 custody of a person under 12 years of age whose conduct violates  
28 this section shall be jointly and severally liable with the  
29 person for the amount of the fine imposed.

30 (e) Definitions.--As used in this section, the term "wearing

1 a pedalcycle helmet" means having a pedalcycle helmet of good  
2 fit fastened securely upon the head with the helmet straps.

3 Section 5. Section 3511 of Title 75 is amended by adding a  
4 subsection to read:

5 § 3511. Pedalcycles prohibited on freeways.

6 \* \* \*

7 (d) Operation on shoulder.--If the department authorizes  
8 pedalcycle access to a freeway, the pedalcycle shall be operated  
9 upon the shoulder of that freeway whenever practicable.

10 Section 6. Section 3512 of Title 75 is repealed.

11 Section 7. Chapter 35 of Title 75 is amended by adding a  
12 subchapter to read:

13 CHAPTER 35

14 SPECIAL VEHICLES AND PEDESTRIANS

15 \* \* \*

16 SUBCHAPTER D

17 PEDALCYCLE AND PEDESTRIAN ADVISORY COMMITTEE

18 Sec.

19 3571. Pedalcycle and Pedestrian Advisory Committee.

20 § 3571. Pedalcycle and Pedestrian Advisory Committee.

21 (a) Establishment.--There is hereby established under the  
22 jurisdiction of the Department of Transportation a board known  
23 as the Pennsylvania Pedalcycle and Pedestrian Advisory  
24 Committee.

25 (b) Composition.--The committee shall consist of 23 members.  
26 The members shall be as follows:

27 (1) The Secretary of Transportation, ex officio.

28 (2) The Secretary of Commerce, ex officio.

29 (3) The Secretary of Health, ex officio.

30 (4) The Secretary of Environmental Resources, ex



1 officio.

2 (5) The Commissioner of the Pennsylvania State Police,  
3 ex officio.

4 (6) The Secretary of Education, ex officio.

5 (7) The Secretary of Community Affairs, ex officio.

6 (8) The chairman and minority chairman of the  
7 Transportation Committee of the Senate.

8 (9) The chairman and minority chairman of the  
9 Transportation Committee of the House of Representatives.

10 (10) Twelve members of the public representing areas of  
11 concern specified who shall have extensive experience and  
12 knowledge of bicycle, pedalcycle, pedestrian and human power  
13 issues throughout this Commonwealth, to be appointed by the  
14 Governor as follows:

15 (i) Two members from a list of at least six  
16 representatives submitted by the Bicycling Federation of  
17 Pennsylvania.

18 (ii) One member from a list of at least three  
19 representatives submitted by the League of American  
20 Bicyclists.

21 (iii) One member from a list of at least three  
22 representatives submitted by the United States Cycling  
23 Federation.

24 (iv) One member from a list of at least three  
25 representatives submitted by the Pennsylvania Chapter of  
26 the Rails-to-Trails Conservancy.

27 (v) One member from a list of at least three  
28 representatives submitted by the Eastern Paralyzed  
29 Veterans Association.

30 (vi) One member from a list of at least three

1           representatives submitted by the American Association of  
2           Retired Persons.

3           (vii) One member from a list of at least three  
4           representatives submitted by the Bicycle Coalition of  
5           Delaware Valley.

6           (viii) One member from a list of at least three  
7           representatives submitted by the Lehigh Valley Bicycle  
8           Riders Alliance.

9           (ix) One member from a list of at least three  
10          representatives submitted by the Pittsburgh Area Cycling  
11          Coalition.

12          (x) Two members from the general public.

13 Each member may designate an alternate to serve in his stead. A  
14 member shall notify the chairman in writing of this designation.

15       (c) Terms of appointees.--The terms of all members of the  
16 committee appointed by the Governor shall be for three years.  
17 Any member of the committee may be reappointed for additional  
18 terms. An individual appointed to fill a vacancy shall serve for  
19 the unexpired term and shall be eligible for reappointment.

20       (d) Officers.--The members of the committee shall annually  
21 elect a chairman, a vice chairman and a secretary from among the  
22 public members of the committee.

23       (e) Meetings and expenses.--

24           (1) The committee shall meet at least four times every  
25       12 months, but may hold additional meetings as are called by  
26       the chairman or by petition of at least five members of the  
27       committee.

28           (2) A public member, including a designee, who misses  
29       three consecutive meetings without good cause acceptable to  
30       the chairman shall be replaced by the chairman, who shall

1 have the power to make a temporary appointment pending  
2 approval or replacement by the Governor.

3 (3) The public members of the committee shall be allowed  
4 per diem expenses to be set by the committee, but not to  
5 exceed Internal Revenue Service guidelines. The department  
6 shall provide appropriate staff support to enable the  
7 committee to properly carry out its functions.

8 (f) Powers and duties.--The powers and duties of the  
9 committee shall be to advise and comment on all phases of  
10 cycling and pedestrian program activities being undertaken or  
11 financially assisted by the department and agencies of State  
12 government and to propose methods, strategies or technologies  
13 for improving these program activity services, systems or  
14 facilities within this Commonwealth. The committee shall  
15 annually submit reports of its general deliberations and  
16 conclusions, as well as any specific issue reports completed at  
17 the committee's discretion, to the Governor, members of the  
18 General Assembly and the State Transportation Commission.

19 Section 8. This act shall take effect in 60 days.