

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2320 Session of  
2000

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ZIMMERMAN AND ZUG, MARCH 7, 2000

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 7, 2000

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for emergency vehicle lighting;  
3 and providing for penalties.

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

6 Section 1. The definition of "emergency vehicle" in section  
7 102 of Title 75 of the Pennsylvania Consolidated Statutes is  
8 amended and the section is amended by adding definitions to  
9 read:

10 § 102. Definitions.

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

1       \* \* \*

2       "Ambulance." Any vehicle which is specifically designed,  
3 constructed or modified and equipped, and is used or intended to  
4 be used, and is maintained or operated, for the purpose of  
5 providing emergency medical care to, and transportation of,  
6 human patients. The term includes advanced or basic life support  
7 vehicles that may or may not transport such patients.

8       \* \* \*

9       "Blood delivery vehicle." Any vehicle which is used or  
10 intended to be used, and is maintained or operated, for the  
11 purpose of transporting blood or blood products on an emergency  
12 basis.

13       \* \* \*

14       ["Emergency vehicle." A fire department vehicle, police  
15 vehicle, sheriff vehicle, ambulance, blood-delivery vehicle,  
16 hazardous material response vehicle, armed forces emergency  
17 vehicle, one vehicle operated by a coroner or chief county  
18 medical examiner and one vehicle operated by a chief deputy  
19 coroner or deputy chief county medical examiner used for  
20 answering emergency calls, or any other vehicle designated by  
21 the State Police under section 6106 (relating to designation of  
22 emergency vehicles by Pennsylvania State Police), or a privately  
23 owned vehicle used in answering an emergency call when used by  
24 any of the following:

25           (1) A police chief and assistant chief.

26           (2) A fire chief, assistant chief and, when a fire  
27 company has three or more fire vehicles, a second or third  
28 assistant chief.

29           (3) A fire police captain and fire police lieutenant.

30           (4) An ambulance corps commander and assistant

commander.

(5) A river rescue commander and assistant commander.

(6) A county emergency management coordinator.

(7) A fire marshal.

(8) A rescue service chief and assistant chief.]

"Emergency vehicle." A fire department vehicle, police vehicle, sheriff vehicle, ambulance, blood delivery vehicle, human organ delivery vehicle or hazardous material response vehicle.

\* \* \*

"Fire department vehicle." A vehicle owned or leased by an organized paid or volunteer fire department.

"Fish and Boat Commission vehicle." A vehicle owned or leased by the Pennsylvania Fish and Boat Commission and used for the purpose of law enforcement under 30 Pa.C.S. (relating to fish).

\* \* \*

Game Commission vehicle." A vehicle owned or leased by the Pennsylvania Game Commission and used for the purpose of law enforcement under 34 Pa.C.S. (relating to game).

\* \* \*

"Hazardous material response vehicle." A vehicle owned or leased by a hazardous material response team certified through the Pennsylvania Emergency Management Agency.

\* \* \*

"Human organ delivery vehicle." Any vehicle which is used or intended to be used, and is maintained or operated, for the purpose of transporting human organs or tissue on an emergency basis.

\* \* \*

1     "Police vehicle." A vehicle owned or leased by the  
2     Commonwealth, the Federal Government or a municipal government  
3     and used for the purpose of law enforcement by the Pennsylvania  
4     State Police, the Federal Government or a municipal police  
5     department.

6     \* \* \*

7     "Privately owned emergency vehicle." A privately owned  
8     vehicle registered as an emergency vehicle and used to answer  
9     emergency calls when operated by any of the following persons:

10         (1) A police chief and assistant police chief of a  
11         municipal police department.

12         (2) A fire chief and assistant fire chief of a fire  
13         department.

14         (3) A fire police captain and fire police lieutenant.

15         (4) An ambulance corps commander and assistant  
16         commander.

17         (5) A river rescue commander and assistant commander.

18         (6) A county emergency management coordinator as  
19         designated by the Pennsylvania Emergency Management Agency.

20         (7) A county fire marshal.

21     "Public Utility Commission vehicle." A vehicle owned or  
22     leased by the Pennsylvania Public Utility Commission and used  
23     for the purpose of law enforcement under 66 Pa.C.S. (relating to  
24     public utilities).

25     \* \* \*

26     "Sheriff vehicle." A vehicle owned or leased by a county  
27     sheriff department.

28     \* \* \*

29     Section 2. Sections 3105, 3107, 3111, 3310 and 3325 of Title  
30     75 are amended to read:

1 § 3105. Drivers of emergency vehicles.

2 (a) General rule.--The driver of an emergency vehicle or  
3 privately owned emergency vehicle, when responding to an  
4 emergency call or when in the pursuit of an actual or suspected  
5 violator of the law or when responding to but not upon returning  
6 from a fire alarm or other emergency call, may exercise the  
7 privileges set forth in this section, but subject to the  
8 conditions stated in this section.

9 (b) Exercise of special privileges.--[The] Except as  
10 otherwise provided in this section, the driver of an emergency  
11 vehicle or privately owned emergency vehicle may:

12 (1) Park or stand, irrespective of the provisions of  
13 this part.

14 (2) Proceed past a red signal indication or stop sign,  
15 but only after slowing down as may be necessary for safe  
16 operation, except as provided in subsection (d).

17 (3) Exceed the maximum speed limits so long as the  
18 driver does not endanger life or property, except as provided  
19 in subsection (d).

20 (4) Disregard regulations governing direction of  
21 movement, overtaking vehicles or turning in specified  
22 directions.

23 (c) Audible and visual signals required.--The privileges  
24 granted in this section to an emergency vehicle or privately  
25 owned emergency vehicle shall apply only when the vehicle is  
26 making use of an audible signal and visual signals meeting the  
27 requirements and standards set forth in regulations adopted by  
28 the department[, except that an emergency vehicle operated as a  
29 police vehicle need not be equipped with or display the visual  
30 signals. An ambulance which is transporting a patient may use

1 either the lights or the audible warning system, or both, as  
2 determined by the driver of the ambulance].

3 (d) Ambulances [and blood-delivery], blood delivery vehicles  
4 and human organ delivery vehicles.--The driver of an ambulance  
5 [or blood-delivery], blood delivery vehicle or human organ  
6 delivery vehicle shall comply with maximum speed limits, red  
7 signal indications and stop signs. After ascertaining that the  
8 ambulance [or blood-delivery], blood delivery vehicle or human  
9 organ delivery vehicle will be given the right-of-way, the  
10 driver may proceed through a red signal indication or stop sign.

11 (e) Exercise of care.--This section does not relieve the  
12 driver of an emergency vehicle or privately owned emergency  
13 vehicle from the duty to drive with due regard for the safety of  
14 all persons.

15 (f) Pedalcycles.--No part of this [title] section shall be  
16 construed to restrict the operation of a pedalcycle used by a  
17 police officer during the course of performing official duties.  
18 § 3107. Drivers in funeral processions.

19 (a) General rule.--The driver of a vehicle which is being  
20 driven in a funeral procession may:

21 (1) Park or stand irrespective of the provisions of this  
22 part.

23 (2) Proceed past a red signal indication or stop sign if  
24 the lead vehicle in the procession started through the  
25 intersection while the signal indicator was green or, in the  
26 case of a stop sign, the lead vehicle first came to a  
27 complete stop before proceeding through the intersection.

28 (b) Visual signals required.--The privileges granted by this  
29 section shall apply only if each vehicle in the funeral  
30 procession displays lighted head lamps and emergency flashers

1 and bears a flag or other insignia designating it as part of a  
2 funeral procession.

3 (c) Right-of-way to emergency vehicles and privately owned  
4 emergency vehicles.--This section does not relieve the driver of  
5 a vehicle which is being driven in a funeral procession from  
6 yielding the right-of-way to an emergency vehicle or privately  
7 owned emergency vehicle making use of audible [or] and visual  
8 signals, nor from the duty to drive with due regard for the  
9 safety of all persons.

10 § 3111. Obedience to traffic-control devices.

11 (a) General rule.--Unless otherwise directed by a uniformed  
12 police officer or any appropriately attired person authorized to  
13 direct, control or regulate traffic, the driver of any vehicle  
14 shall obey the instructions of any applicable official traffic-  
15 control device placed or held in accordance with the provisions  
16 of this title, subject to the privileges granted the driver of  
17 an [authorized] emergency vehicle or privately owned emergency  
18 vehicle in this title.

19 (b) Proper position and legibility of device.--No provision  
20 of this title for which official traffic-control devices are  
21 required shall be enforced against an alleged violator if at the  
22 time and place of the alleged violation an official device is  
23 not in proper position and sufficiently legible to be seen by an  
24 ordinarily observant person. Whenever a particular section does  
25 not state that official traffic-control devices are required,  
26 the section shall be effective even though no devices are  
27 erected or in place.

28 (c) Presumption of authorized placement.--Whenever official  
29 traffic-control devices are placed or held in position  
30 approximately conforming to the requirements of this title, the

1 devices shall be presumed to have been so placed by the official  
2 act or direction of lawful authority, unless the contrary shall  
3 be established by competent evidence.

4 (d) Presumption of proper devices.--Any official traffic-  
5 control device placed or held pursuant to the provisions of this  
6 title and purporting to conform to the lawful requirements  
7 pertaining to such devices shall be presumed to comply with the  
8 requirements of this title, unless the contrary shall be  
9 established by competent evidence.

10 § 3310. Following too closely.

11 (a) General rule.--The driver of a motor vehicle shall not  
12 follow another vehicle more closely than is reasonable and  
13 prudent, having due regard for the speed of the vehicles and the  
14 traffic upon and the condition of the highway.

15 (b) Combinations of vehicles and trucks.--The driver of any  
16 motor vehicle drawing another vehicle or of any truck when  
17 traveling upon a roadway outside of an urban district and  
18 following a motor vehicle drawing another vehicle or following a  
19 truck shall, whenever conditions permit, leave sufficient space  
20 so that an overtaking vehicle may enter and occupy the space  
21 without danger, except that this subsection does not prevent a  
22 motor vehicle drawing another vehicle or prevent a truck from  
23 overtaking and passing any vehicle or combination of vehicles.

24 (c) Caravans and motorcades.--Upon any roadway outside of an  
25 urban district, motor vehicles being driven in a caravan or  
26 motorcade, whether or not towing other vehicles, shall be so  
27 operated as to allow sufficient space between each vehicle or  
28 combination of vehicles so as to enable any other vehicle to  
29 enter and occupy space without danger. This subsection does not  
30 apply to funeral processions, which shall not be interrupted by



1 any vehicle other than an emergency vehicle or privately owned  
2 emergency vehicle.

3 § 3325. Duty of driver on approach of emergency vehicle  
4 or privately owned emergency vehicle.

5 (a) General rule.--Upon the immediate approach of an  
6 emergency vehicle or privately owned emergency vehicle making  
7 use of an audible signal and visual signals meeting the  
8 requirements and standards set forth in regulations adopted by  
9 the department, [or of a police vehicle properly and lawfully  
10 making use of an audible signal only,] the driver of every other  
11 vehicle shall yield the right-of-way and shall immediately drive  
12 to a position parallel to, and as close as possible to, the  
13 right-hand edge or curb of the roadway clear of any intersection  
14 and shall stop and remain in that position until the emergency  
15 vehicle or privately owned emergency vehicle has passed, except  
16 when otherwise directed by a police officer or an appropriately  
17 attired person authorized to direct, control or regulate  
18 traffic. On one-way roadways a driver may comply by driving to  
19 the edge or curb which is nearest to the lane in which he is  
20 traveling.

21 (b) Duty of operator of streetcar.--Upon the approach of an  
22 emergency vehicle or privately owned emergency vehicle, the  
23 operator of every streetcar shall immediately stop the streetcar  
24 clear of any intersection and remain in that position until the  
25 emergency vehicle or privately owned emergency vehicle has  
26 passed, except when otherwise directed by a police officer[.] or  
27 an appropriately attired person authorized to direct, control or  
28 regulate traffic.

29 (c) Defense.--It is a defense to prosecution under this  
30 section if a defendant can show by a preponderance of the

evidence that the failure to stop immediately for the police vehicle was based on a good faith concern for personal safety. In determining whether the defendant has met this burden, the court may consider the following factors:

(1) the time and location of the event;

(2) the type of police vehicle used;

(3) the defendant's conduct while being followed by the police vehicle;

(4) whether the defendant stopped at the first available reasonably lighted or populated area; and

(5) any other factor considered relevant by the court.

Section 3. Title 75 is amended by adding a section to read:

§ 3327. Unmarked police vehicles.

(a) General rule.--The Pennsylvania State Police, in consultation with the department, shall promulgate regulations for the use of unmarked police vehicles. The regulations shall:

(1) establish the procedure to be used by a police officer in an unmarked police vehicle when stopping a motorist;

(2) require the use of audible and visual signals which meet the requirements and standards set forth in this title and in regulations adopted by the department; and

(3) establish requirements for the wearing of an official police uniform and the display of official police identification.

(b) Public awareness.--The Pennsylvania State Police and the department shall provide for the dissemination of information to the public regarding the use of unmarked police vehicles. Such information shall accompany annual vehicle registration or vehicle registration renewal forms distributed by the

1 department.

2 Section 4. Sections 3548, 3733, 4306, 4571, 4572 and 6106 of  
3 Title 75 are amended to read:

4 § 3548. Pedestrians to yield to authorized emergency vehicles  
5 or privately owned emergency vehicles.

6 (a) General rule.--Upon the immediate approach of an  
7 [authorized] emergency vehicle or privately owned emergency  
8 vehicle making use of audible and visual signals meeting the  
9 requirements of this title, [or of a police vehicle properly and  
10 lawfully making use of an audible signal only,] every pedestrian  
11 shall yield the right-of-way to the [authorized] emergency  
12 vehicle or privately owned emergency vehicle.

13 (b) Exercise of care by driver.--This section does not  
14 relieve the driver of an [authorized] emergency vehicle or  
15 privately owned emergency vehicle from the duty to drive with  
16 due regard for the safety of all persons using the highway nor  
17 from the duty to exercise due care to avoid colliding with any  
18 pedestrian.

19 § 3733. Fleeing or attempting to elude police officer.

20 (a) Offense defined.--Any driver of a motor vehicle who  
21 willfully fails or refuses to bring his vehicle to a stop, or  
22 who otherwise flees or attempts to elude a pursuing police  
23 officer, when given a visual [or] and audible signal to bring  
24 the vehicle to a stop, commits a misdemeanor of the second  
25 degree. Any driver upon conviction shall pay an additional fine  
26 of \$500. This fine shall be in addition to and not in lieu of  
27 all other fines, court expenses, jail sentences or penalties.

28 (a.1) Disposition of fines, etc.--The fines imposed and  
29 collected under subsection (a) shall not be subject to 42  
30 Pa.C.S. § 3733 (relating to deposits into account). The fines

1 imposed and collected under subsection (a) shall be distributed  
2 in the manner provided in 42 Pa.C.S. § 3571(b)(2) and (3)  
3 (relating to Commonwealth portion of fines, etc.).

4 (b) Signal by police officer.--The signal given by the  
5 police officer may be by hand, voice, emergency lights or siren.

6 (c) Defenses.--

7 (1) It is a defense to a prosecution under this section  
8 that the pursuing police vehicle was not clearly identifiable  
9 by its markings or, if unmarked, was not occupied by a police  
10 officer who was in uniform and displaying a badge or other  
11 sign of authority.

12 (2) It is a defense to prosecution under this section if  
13 a defendant can show by a preponderance of the evidence that  
14 the failure to stop immediately for a police vehicle was  
15 based on a good faith concern for personal safety. In  
16 determining whether the defendant has met this burden, the  
17 court may consider the following factors:

18 (i) the time and location of the event;

19 (ii) the type of police vehicle used;

20 (iii) the defendant's conduct while being followed  
21 by the police vehicle;

22 (iv) whether the defendant stopped at the first  
23 available reasonably lighted or populated area; and

24 (v) any other factor considered relevant by the  
25 court.

26 § 4306. Use of multiple-beam road lighting equipment.

27 (a) Approaching an oncoming vehicle.--Whenever the driver of  
28 a vehicle approaches an oncoming vehicle within 500 feet, the  
29 driver shall use the low beam of light.

30 (b) Approaching a vehicle from rear.--Whenever the driver of

1 a vehicle approaches another vehicle from the rear within 300  
2 feet, the driver shall use the low beam of light.

3 (c) Exception.--

4 (1) [A police or sheriff vehicle] An emergency vehicle  
5 which is equipped with a flashing headlamp system that  
6 conforms to regulations promulgated by the department shall  
7 be exempt from the provisions of this section only when the  
8 vehicle is being used pursuant to the provisions of section  
9 4571(e) (relating to visual and audible signals on emergency  
10 vehicles).

11 (2) Nothing in this section shall limit drivers from  
12 flashing high beams at oncoming vehicles as a warning of  
13 roadway emergencies or other dangerous or hazardous  
14 conditions ahead.

15 § 4571. Visual and audible signals on emergency vehicles and  
16 privately owned emergency vehicles.

17 (a) General rule.--Every emergency vehicle and privately  
18 owned emergency vehicle shall be equipped with one or more  
19 revolving or flashing red lights and an audible warning system.  
20 Spotlights with adjustable sockets may be attached to or mounted  
21 on emergency vehicles and privately owned emergency vehicles.

22 (b) Police[, sheriff, fire and coroner or medical examiner]  
23 vehicles.--

24 (1) Police[, sheriff, coroner, medical examiner or fire  
25 police] vehicles may in addition to the requirements of  
26 subsection (a) be equipped with one or more revolving or  
27 flashing blue lights. The combination of red and blue lights  
28 may be used only on police[, sheriff, coroner, medical  
29 examiner or fire police] vehicles.

30 (2) Unmarked police vehicles, used as emergency vehicles

1 and equipped with audible warning systems, [may] shall be  
2 equipped with the lights described in this section.

3 (b.1) Mounted lights; additional equipment.--

4 [3] (1) Police, sheriff and fire vehicles may be  
5 equipped with a mounted rack containing one or more emergency  
6 warning lights or side mounted floodlights or alley lights or  
7 all such lights[.], in conformance with department  
8 regulations.

9 (2) Additional visual or audible warning signal  
10 equipment, including, but not limited to, flashing headlamp  
11 system, flashing or revolving white or clear lights, steady  
12 burning lights, traffic-control emergency directional light  
13 assembly, amber lights and intersection lights, may be  
14 utilized on emergency vehicles in accordance with regulations  
15 promulgated by the department.

16 (c) Game Commission and Fish and Boat Commission vehicles.--

17 (1) A vehicle owned or leased by the Pennsylvania Game  
18 Commission or the Pennsylvania Fish and Boat Commission may  
19 be equipped with one or more revolving or flashing red  
20 lights, mounted in accordance with regulations promulgated by  
21 the department.

22 (2) A Game Commission vehicle equipped with lights as  
23 authorized by this section shall be used only for the purpose  
24 of law enforcement under 34 Pa.C.S. (relating to game).

25 (3) A Fish and Boat Commission vehicle equipped with  
26 lights as authorized by this section shall be used only for  
27 the purposes of law enforcement under 30 Pa.C.S. (relating to  
28 fish).

29 [(c.1) Public Utility Commission vehicles.--Vehicles owned  
30 or operated by the Pennsylvania Public Utility Commission and

1 used in the enforcement of 66 Pa.C.S. Chs. 23 (relating to  
2 common carriers) and 25 (relating to contract carrier by motor  
3 vehicle and broker) may be equipped with revolving or flashing  
4 red lights in accordance with subsection (a).]

5 (d) Vehicles prohibited from using signals.--Except as  
6 otherwise specifically provided in this part, no vehicle other  
7 than an emergency vehicle may be equipped with revolving or  
8 flashing lights or audible warning systems identical or similar  
9 to those specified in subsections (a) and (b). A person who  
10 equips or uses a vehicle with visual or audible warning systems  
11 in violation of this section commits a misdemeanor of the first  
12 degree.

13 (e) Authorized period of use.--The lights and warning  
14 systems specified by this section may be used only during an  
15 emergency, or in the interest of public safety [and], or by  
16 police officers[, sheriffs] and [deputy sheriffs] officers of  
17 the Pennsylvania Game Commission and Pennsylvania Fish and Boat  
18 Commission in enforcement of the law. [An ambulance which is  
19 transporting a patient may use either the lights or the audible  
20 warning system, or both, as determined by the driver of the  
21 ambulance.] Unauthorized use of the lights and warning systems  
22 specified by this section shall be a misdemeanor of the first  
23 degree.

24 (f) Conformity with department regulations.--All equipment  
25 authorized or required by this section shall conform to  
26 department regulations.

27 § 4572. Visual signals on authorized vehicles.

28 (a) Flashing or revolving blue lights.--Ambulance personnel,  
29 volunteer firefighters and owners and handlers of dogs used in  
30 tracking humans may each equip one motor vehicle with no more

1 than two flashing or revolving blue lights.

2 (1) In order to be eligible to display lights on their  
3 vehicles under this subsection, the names of the ambulance  
4 personnel and volunteer firefighters shall be submitted to  
5 the nearest station of the Pennsylvania State Police on a  
6 list signed by the chief of the ambulance or fire department  
7 or company and each dog owner and handler shall register at  
8 the nearest Pennsylvania State Police station.

9 (2) The manner in which the lights are displayed and  
10 their intensity shall be determined by regulation of the  
11 department.

12 (3) The lights shall be operable by the driver from  
13 inside the vehicle.

14 (4) The lights may be used only while en route to or at  
15 the scene of a fire or emergency call.

16 (5) The lights shall be removed from the vehicle [within  
17 ten days of] immediately upon receipt of notice from the  
18 chief of the ambulance or fire department or company to  
19 remove the lights upon termination of the person's status as  
20 an active volunteer firefighter or ambulance person or upon  
21 termination of the person's active status as a dog owner or  
22 handler, or when the vehicle is no longer used in connection  
23 with the person's duties as a volunteer firefighter or  
24 ambulance person or dog owner or handler.

25 (6) This subsection does not relieve the driver from the  
26 duty to drive with due regard for the safety of all persons  
27 nor exempt the driver from complying with all provisions of  
28 this title.

29 (b) Flashing or revolving yellow lights.--Vehicles  
30 authorized pursuant to the provisions of sections 6106 (relating



1 to designation of emergency vehicles by Pennsylvania State  
2 Police) and 6107 (relating to designation of authorized vehicles  
3 by department), tow trucks, vehicles used for snow removal and  
4 Public Utility Commission vehicles may be equipped with [no more  
5 than two] one or more flashing or revolving yellow lights. The  
6 manner in which the light or lights shall be displayed and the  
7 intensity shall be determined by regulation of the department.

8 (c) Vehicles prohibited from using lights.--No vehicle other  
9 than a duly authorized vehicle may be equipped with lights  
10 identical or similar to those specified in subsections (a) and  
11 (b). A person who equips or uses a vehicle with visual systems  
12 in violation of this section commits a misdemeanor of the second  
13 degree.

14 § 6106. Designation of emergency vehicles by Pennsylvania State  
15 Police.

16 (a) General rule.--The Pennsylvania State Police may  
17 designate any vehicle or group of vehicles as emergency vehicles  
18 upon a finding that the designation is necessary to the  
19 preservation of life or property or to the execution of  
20 emergency governmental functions.

21 (b) Exception.--Vehicles designated as emergency vehicles  
22 under this section shall not display or be equipped with a  
23 combination of red and blue lights.

24 [(b)] (c) Manner and carrying of designation.--The  
25 designation shall be in writing and the written designation  
26 shall be carried in the vehicle at all times[, but failure to  
27 carry the written designation shall not affect the status of the  
28 vehicle as an emergency vehicle].

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