

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 1225 Session of  
2001

INTRODUCED BY CORMAN, MADIGAN, STOUT, PICCOLA, DENT, EARLL,  
ORIE, KASUNIC, LEMMOND, MURPHY, MUSTO, SCARNATI, WAGNER,  
WAUGH, WENGER, D. WHITE AND BOSCOLA, DECEMBER 3, 2001

AS AMENDED ON SECOND CONSIDERATION, APRIL 29, 2002

## AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, ~~further defining "vehicle"; defining "electric~~ <—  
3 ~~personal assistive mobility device" or "EPAMD"; and further~~  
4 providing for DEFINITIONS, FOR VEHICLES NOT REQUIRING <—  
5 CERTIFICATE OF TITLE AND FOR VEHICLES EXEMPT FROM  
6 REGISTRATION; PROVIDING FOR ELECTRIC PERSONAL ASSISTIVE  
7 MOBILITY DEVICES; AND FURTHER PROVIDING FOR driving upon  
8 sidewalk.

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

11 Section 1. The ~~definition of~~ DEFINITIONS OF "MOTOR VEHICLE" <—  
12 AND "vehicle" in section 102 of Title 75 of the Pennsylvania  
13 Consolidated Statutes ~~is~~ ARE amended and the section is amended <—  
14 by adding a definition to read:

15 § 102. Definitions.

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

1 \* \* \*

2 "Electric personal assistive mobility device" or "EPAMD." A  
3 self-balancing two-nontandem-wheeled device designed to  
4 transport only one person with an electric propulsion system.  
5 ~~that limits the maximum speed of the device to 15 miles per hour~~ <—  
6 ~~or less.~~

7 \* \* \*

8 "MOTOR VEHICLE." A VEHICLE WHICH IS SELF-PROPELLED EXCEPT <—  
9 [ONE] AN ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE OR A  
10 VEHICLE WHICH IS PROPELLED SOLELY BY HUMAN POWER OR BY ELECTRIC  
11 POWER OBTAINED FROM OVERHEAD TROLLEY WIRES, BUT NOT OPERATED  
12 UPON RAILS.

13 \* \* \*

14 "Vehicle." Every device in, upon or by which any person or  
15 property is or may be transported or drawn upon a highway,  
16 except devices used exclusively upon rails or tracks. The term  
17 does not include a self-propelled wheelchair or an electrical  
18 mobility device operated by and designed for the exclusive use  
19 of a person with a mobility-related disability or an electric  
20 personal assistive mobility device (EPAMD).

21 \* \* \*

22 SECTION 2. SECTIONS 1102 AND 1302 OF TITLE 75 ARE AMENDED BY <—  
23 ADDING PARAGRAPHS TO READ:

24 § 1102. VEHICLES NOT REQUIRING CERTIFICATE OF TITLE.

25 NO CERTIFICATE OF TITLE IS REQUIRED FOR:

26 \* \* \*

27 (12) AN ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.

28 § 1302. VEHICLES EXEMPT FROM REGISTRATION.

29 THE FOLLOWING TYPES OF VEHICLES ARE EXEMPT FROM REGISTRATION:

30 \* \* \*

1           (20) AN ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.

2           SECTION 3. CHAPTER 35 OF TITLE 75 IS AMENDED BY ADDING A  
3 SUBCHAPTER TO READ:

4                               SUBCHAPTER E

5                       ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES

6 SEC.

7 3581. EQUIPMENT.

8 3582. PEDALCYCLE HELMETS FOR CERTAIN PERSONS.

9 3583. EPAMD PROHIBITED ON FREEWAYS.

10 § 3581. EQUIPMENT.

11       (A) EXEMPTION.--ELECTRICAL PERSONAL ASSISTIVE MOBILITY  
12 DEVICES SHALL BE EXEMPTED FROM THE VEHICLE EQUIPMENT  
13 REQUIREMENTS IN CHAPTERS 41 (RELATING TO EQUIPMENT STANDARDS),  
14 43 (RELATING TO LIGHTING EQUIPMENT) AND 45 (RELATING TO OTHER  
15 REQUIRED EQUIPMENT) AND DEPARTMENT REGULATIONS RELATING TO THOSE  
16 SECTIONS.

17       (B) LAMPS AND REFLECTORS.--EVERY EPAMD WHEN OPERATED ON A  
18 SIDEWALK, SIDEWALK AREA OR HIGHWAY BETWEEN SUNSET AND SUNRISE  
19 SHALL BE EQUIPPED ON THE FRONT WITH A LAMP WHICH EMITS A BEAM OF  
20 WHITE LIGHT INTENDED TO ILLUMINATE THE EPAMD OPERATOR'S PATH AND  
21 VISIBLE FROM A DISTANCE OF AT LEAST 500 FEET IN FRONT, A RED  
22 REFLECTOR FACING TO THE REAR WHICH IS VISIBLE AT LEAST 500 FEET  
23 TO THE REAR AND A REFLECTOR ON EACH SIDE.

24 § 3582. PEDALCYCLE HELMETS FOR CERTAIN PERSONS.

25       (A) GENERAL RULE.--A CHILD UNDER 12 YEARS OF AGE MAY NOT  
26 OPERATE AN EPAMD UNLESS THE PERSON IS WEARING A PEDALCYCLE  
27 HELMET MEETING THE REQUIREMENTS OF SECTION 3510 (RELATING TO  
28 PEDALCYCLE HELMETS FOR CERTAIN PERSONS).

29       (B) WAIVER OF FINE.--IF A PERSON RECEIVES A CITATION ISSUED  
30 BY THE PROPER AUTHORITY FOR VIOLATION OF SUBSECTION (A), A

1 DISTRICT JUSTICE, MAGISTRATE OR JUDGE SHALL DISMISS THE CHARGES  
2 IF THE PERSON PRIOR TO OR AT HIS HEARING DISPLAYS EVIDENCE OF  
3 ACQUISITION OF A HELMET MEETING THE STANDARDS PRESCRIBED IN  
4 SUBSECTION (A) TO THE DISTRICT JUSTICE, MAGISTRATE OR JUDGE.  
5 SUFFICIENT EVIDENCE SHALL INCLUDE A RECEIPT MAILED TO THE  
6 APPROPRIATE COURT OFFICER WHICH EVIDENCES PURCHASE OR TRANSFER  
7 OF SUCH A HELMET FROM ANOTHER HELMET OWNER, EVIDENCED BY A  
8 NOTARIZED LETTER.

9 (C) EXEMPTION.--THIS SECTION SHALL NOT APPLY TO A CHILD  
10 UNDER 12 YEARS OF AGE WHO CAN PRODUCE A STATEMENT FROM THE  
11 FAMILY'S CHURCH AUTHORITIES ATTESTING THAT IT IS AGAINST THE  
12 TENETS OF THE FAMILY'S RELIGION TO WEAR A HELMET.

13 (D) CIVIL ACTIONS.--IN NO EVENT SHALL A VIOLATION OR ALLEGED  
14 VIOLATION OF SUBSECTION (A) BE USED AS EVIDENCE IN A TRIAL OF  
15 ANY CIVIL ACTION, NOR SHALL ANY JURY IN A CIVIL ACTION BE  
16 INSTRUCTED THAT ANY CONDUCT DID CONSTITUTE OR COULD BE  
17 INTERPRETED BY THE JURY TO CONSTITUTE A VIOLATION OF SUBSECTION  
18 (A), NOR SHALL FAILURE TO USE A PEDALCYCLE HELMET BE CONSIDERED  
19 AS CONTRIBUTORY NEGLIGENCE, NOR SHALL FAILURE TO USE A  
20 PEDALCYCLE HELMET BE ADMISSIBLE AS EVIDENCE IN THE TRIAL OF ANY  
21 CIVIL ACTION.

22 (E) PENALTY.--NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW,  
23 ANY VIOLATION OF SUBSECTION (A) IS PUNISHABLE BY A FINE,  
24 INCLUDING ALL PENALTIES, ASSESSMENTS AND COURT COSTS IMPOSED ON  
25 THE CONVICTED PERSON NOT TO EXCEED \$25. THE PARENT OR LEGAL  
26 GUARDIAN HAVING CONTROL OR CUSTODY OF A CHILD UNDER 12 YEARS OF  
27 AGE WHOSE CONDUCT VIOLATES THIS SECTION SHALL BE JOINTLY AND  
28 SEVERALLY LIABLE WITH THE PERSON FOR THE AMOUNT OF THE FINE  
29 IMPOSED.

30 (F) 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 § 3583. EPAMD PROHIBITED ON FREEWAYS.

4 NO PERSON SHALL OPERATE AN EPAMD ON A FREEWAY.

5 Section ~~2~~ 4. Section 3703 of Title 75 is amended to read: <—

6 § 3703. Driving upon sidewalk.

7 (a) General rule.--Except as provided in subsection (b) or  
8 (c), no person shall drive any vehicle except a human-powered  
9 vehicle upon a sidewalk or sidewalk area except upon a permanent  
10 or duly authorized temporary driveway.

11 (b) Certain mobility-related devices for persons with  
12 disabilities.--Any municipality may permit the operation of a  
13 self-propelled wheelchair or an electrical mobility device on a  
14 sidewalk or sidewalk area for the specific purpose of giving  
15 persons with mobility-related disabilities the capability of  
16 transporting themselves. The municipality may impose such  
17 restrictions as are necessary to protect the interests of  
18 pedestrians and others using the sidewalk or sidewalk area.

19 (c) Electric personal assistive mobility device (EPAMD).--A <—  
20 UNLESS PROHIBITED BY ORDINANCE, A municipality shall permit the <—  
21 operation of an electric personal assistive mobility device on a  
22 sidewalk or sidewalk area. if the EPAMD is used for the specific <—  
23 purpose of providing individuals:

24 (1) With mobility related disabilities the capability of  
25 transporting themselves.

26 (2) With mobility related challenges the capability to  
27 improve their ability to transport themselves.

28 An EPAMD may also be used on a sidewalk or sidewalk area by a  
29 government, utility or service employee for the purpose of  
30 performing assigned duties. The A municipality may impose such <—

1 restrictions as ~~are~~ MAY BE necessary to protect the interests of <—  
2 pedestrians and others using the sidewalk or sidewalk area.  
3     Section 3 5. This act shall take effect in 60 days. <—