
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 RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 25, 2002

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for definitions, for vehicles not
3 requiring certificate of title and for vehicles exempt from
4 registration; providing for electric personal assistive
5 mobility devices; and further providing for driving upon
6 sidewalk AND FOR INSPECTION STATION CERTIFICATES OF
7 APPOINTMENT. <—

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

10 Section 1. The definition of "motor vehicle" in section 102
11 of Title 75 of the Pennsylvania Consolidated Statutes is amended
12 and the section is amended by adding a definition to read:

13 § 102. Definitions.

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

1 (a) Exemption.--Electrical personal assistive mobility
2 devices shall be exempted from the vehicle equipment
3 requirements in Chapters 41 (relating to equipment standards),
4 43 (relating to lighting equipment) and 45 (relating to other
5 required equipment) and department regulations relating to those
6 sections.

7 (b) Lamps and reflectors.--Every EPAMD when operated on a
8 sidewalk, sidewalk area or highway between sunset and sunrise
9 shall be equipped on the front with a lamp which emits a beam of
10 white light intended to illuminate the EPAMD operator's path and
11 visible from a distance of at least 500 feet in front, a red
12 reflector facing to the rear which is visible at least 500 feet
13 to the rear and a reflector on each side.

14 § 3582. Pedalcycle helmets for certain persons.

15 (a) General rule.--A child under 12 years of age may not
16 operate an EPAMD unless the person is wearing a pedalcycle
17 helmet meeting the requirements of section 3510 (relating to
18 pedalcycle helmets for certain persons).

19 (b) Waiver of fine.--If a person receives a citation issued
20 by the proper authority for violation of subsection (a), a
21 district justice, magistrate or judge shall dismiss the charges
22 if the person prior to or at his hearing displays evidence of
23 acquisition of a helmet meeting the standards prescribed in
24 subsection (a) to the district justice, magistrate or judge.
25 Sufficient evidence shall include a receipt mailed to the
26 appropriate court officer which evidences purchase or transfer
27 of such a helmet from another helmet owner, evidenced by a
28 notarized letter.

29 (c) Exemption.--This section shall not apply to a child
30 under 12 years of age who can produce a statement from the

1 family's church authorities attesting that it is against the
2 tenets of the family's religion to wear a helmet.

3 (d) Civil actions.--In no event shall a violation or alleged
4 violation of subsection (a) be used as evidence in a trial of
5 any civil action, nor shall any jury in a civil action be
6 instructed that any conduct did constitute or could be
7 interpreted by the jury to constitute a violation of subsection
8 (a), nor shall failure to use a pedalcycle helmet be considered
9 as contributory negligence, nor shall failure to use a
10 pedalcycle helmet be admissible as evidence in the trial of any
11 civil action.

12 (e) Penalty.--Notwithstanding any other provisions of law,
13 any violation of subsection (a) is punishable by a fine,
14 including all penalties, assessments and court costs imposed on
15 the convicted person not to exceed \$25. The parent or legal
16 guardian having control or custody of a child under 12 years of
17 age whose conduct violates this section shall be jointly and
18 severally liable with the person for the amount of the fine
19 imposed.

20 (f) Definitions.--As used in this section, the term "wearing
21 a pedalcycle helmet" means having a pedalcycle helmet of good
22 fit fastened securely upon the head with the helmet straps.

23 § 3583. EPAMD prohibited on freeways.

24 No person shall operate an EPAMD on a freeway.

25 ~~Section 4. Sections 3703 of Title 75 is amended to read:~~ <—

26 SECTION 4. SECTIONS 3703 AND 4724 OF TITLE 75 ARE AMENDED TO <—
27 READ:

28 § 3703. Driving upon sidewalk.

29 (a) General rule.--Except as provided in subsection (b) or
30 (c), no person shall drive any vehicle except a human-powered

1 vehicle upon a sidewalk or sidewalk area except upon a permanent
2 or duly authorized temporary driveway.

3 (b) Certain mobility-related devices for persons with
4 disabilities.--Any municipality may permit the operation of a
5 self-propelled wheelchair or an electrical mobility device on a
6 sidewalk or sidewalk area for the specific purpose of giving
7 persons with mobility-related disabilities the capability of
8 transporting themselves. The municipality may impose such
9 restrictions as are necessary to protect the interests of
10 pedestrians and others using the sidewalk or sidewalk area.

11 (c) Electric personal assistive mobility device (EPAMD).--
12 Unless prohibited by ordinance, a municipality shall permit the
13 operation of an electric personal assistive mobility device on a
14 sidewalk or sidewalk area. A municipality may impose such
15 restrictions as may be necessary to protect the interests of
16 pedestrians and others using the sidewalk or sidewalk area.

17 § 4724. SUSPENSION OF CERTIFICATES OF APPOINTMENT.

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18 (A) GENERAL RULE.--THE DEPARTMENT SHALL SUPERVISE AND
19 INSPECT OFFICIAL INSPECTION STATIONS AND MAY SUSPEND THE
20 CERTIFICATE OF APPOINTMENT ISSUED TO A STATION WHICH IT FINDS IS
21 NOT PROPERLY EQUIPPED OR CONDUCTED OR WHICH HAS VIOLATED OR
22 FAILED TO COMPLY WITH ANY OF THE PROVISIONS OF THIS CHAPTER OR
23 REGULATIONS ADOPTED BY THE DEPARTMENT. THE DEPARTMENT SHALL
24 MAINTAIN A LIST OF ALL STATIONS HOLDING CERTIFICATES OF
25 APPOINTMENT AND OF THOSE WHOSE CERTIFICATES OF APPOINTMENT HAVE
26 BEEN SUSPENDED. ANY SUSPENDED CERTIFICATE OF APPOINTMENT AND ALL
27 UNUSED CERTIFICATES OF INSPECTION SHALL BE RETURNED IMMEDIATELY
28 TO THE DEPARTMENT.

29 (B) JUDICIAL REVIEW.--ANY PERSON WHOSE CERTIFICATE OF
30 APPOINTMENT HAS BEEN DENIED OR SUSPENDED UNDER THIS CHAPTER

1 SHALL HAVE THE RIGHT TO APPEAL TO THE COURT VESTED WITH
2 JURISDICTION OF SUCH APPEALS BY OR PURSUANT TO TITLE 42
3 (RELATING TO JUDICIARY AND JUDICIAL PROCEDURE). THE COURT SHALL
4 SET THE MATTER FOR HEARING UPON 60 DAYS' WRITTEN NOTICE TO THE
5 DEPARTMENT AND TAKE TESTIMONY AND EXAMINE INTO THE FACTS OF THE
6 CASE AND DETERMINE WHETHER THE PETITIONER IS ENTITLED TO A
7 CERTIFICATE OF APPOINTMENT OR IS SUBJECT TO SUSPENSION OF THE
8 CERTIFICATE OF APPOINTMENT UNDER THE PROVISIONS OF THIS CHAPTER.

9 (C) LIMITATION.--THE DEPARTMENT PRIOR TO SUSPENDING A
10 CERTIFICATE OF APPOINTMENT OF AN OFFICIAL INSPECTION STATION ON
11 THE GROUNDS OF CARELESS RECORDKEEPING OR THE COURT ON APPEAL
12 FROM A SUSPENSION MAY CONSIDER THE VOLUME OF INSPECTIONS
13 CONDUCTED BY THE INSPECTION STATION AND PROVIDE TO THE OWNER OR
14 OPERATOR OF THE INSPECTION STATION THE OPPORTUNITY TO CORRECT
15 ANY INACCURATE RECORDS.

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