

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1559 Session of
2004

INTRODUCED BY REICHLEY, THOMAS, KELLER, E. Z. TAYLOR, DENLINGER,
BOYD, CRAHALLA, RAYMOND AND WEBER, MAY 10, 2004

REFERRED TO COMMITTEE ON TRANSPORTATION, MAY 10, 2004

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further defining "motor vehicle"; defining
3 "motorized scooter"; providing for regulation of the
4 operation of motorized scooters; and further providing for
5 driving upon sidewalk and for requirement for identification
6 number.

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

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

12 § 102. Definitions.

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

18 * * *

19 "Motor vehicle." A vehicle which is self-propelled except an

1 electric personal assistive mobility device, a motorized scooter
2 or a vehicle which is propelled solely by human power or by
3 electric power obtained from overhead trolley wires, but not
4 operated upon rails.

5 * * *

6 "Motorized scooter." Any two-wheeled device that has
7 handlebars, is designed to be stood or sat upon by the operator
8 and is powered by a gasoline or electric motor that is capable
9 of propelling the device with or without human propulsion. The
10 term does not include any of the following:

11 (1) A motorcycle.

12 (2) A motor-driven cycle.

13 (3) A motorized pedalcycle.

14 * * *

15 Section 2. Chapter 35 of Title 75 is amended by adding a
16 subchapter to read:

17 SUBCHAPTER F

18 OPERATION OF MOTORIZED SCOOTERS

19 Sec.

20 3591. Scope.

21 3592. Municipal ordinance.

22 3593. Requirements for operation.

23 3594. Helmet required.

24 3595. Applicability of vehicle code provisions.

25 3596. Additional restrictions.

26 3597. Motorized scooters otherwise prohibited.

27 § 3591. Scope.

28 This subchapter applies to the operation of motorized
29 scooters in municipalities which have adopted ordinances in
30 accordance with section 3592 (relating to municipal ordinance).

1 § 3592. Municipal ordinance.

2 A municipality may by ordinance authorize the operation of
3 motorized scooters on highways, shoulders of highways,
4 trafficways or sidewalks, or any combination thereof, within the
5 municipality subject to the restrictions specified in this
6 subchapter.

7 § 3593. Requirements for operation.

8 (a) Age.--An individual 11 years of age or younger may not
9 operate a motorized scooter.

10 (b) Prohibition on freeways.--An individual may not operate
11 a motorized scooter on a freeway.

12 (c) Time.--An individual may not operate a motorized scooter
13 between sunset and sunrise.

14 (d) Use.--No motorized scooter may be used to carry more
15 individuals at one time than the number for which the motorized
16 scooter is designed and equipped.

17 (e) Parental responsibility.--The parent or guardian of any
18 child shall not authorize or knowingly permit the child to
19 violate any of the provisions of this title relating to the
20 operation of motorized scooters.

21 § 3594. Helmet required.

22 (a) General rule.--An individual may not operate a motorized
23 scooter unless the individual is wearing a pedalcycle helmet
24 meeting the requirements of section 3510 (relating to pedalcycle
25 helmets for certain persons).

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

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

6 (c) Exemption.--This section shall not apply to an
7 individual who can produce a statement from the individual's
8 church authorities attesting that it is against the tenets of
9 the individual's religion to wear a helmet.

10 (d) 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 the jury to constitute a violation of subsection
15 (a), nor shall failure to use a pedalcycle helmet be considered
16 as contributory negligence, nor shall failure to use a
17 pedalcycle helmet be admissible as evidence in the trial of any
18 civil action.

19 (e) 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.

23 (f) Definition.--As used in this section, the term "wearing
24 a pedalcycle helmet" means having a pedalcycle helmet of good
25 fit fastened securely upon the head with the helmet straps.

26 § 3595. Applicability of vehicle code provisions.

27 (a) General rule.--When a motorized scooter is permitted to
28 be operated upon a roadway, the operator shall be granted all of
29 the rights and shall be subject to all of the duties applicable
30 to a driver of a vehicle by this title, except as to special

provisions in this subchapter and except as to those provisions of this title which by their nature can have no application.

(b) Exemption.--Motorized scooters are exempted from the vehicle equipment requirements in Chapters 41 (relating to equipment standards), 43 (relating to lighting equipment) and 45 (relating to other required equipment) and department regulations relating to those sections.

§ 3596. Additional restrictions.

A municipality may impose restrictions on the operation of motorized scooters in addition to those specified in this subchapter.

§ 3597. Motorized scooters otherwise prohibited.

The operation of motorized scooters on a highway, shoulder of a highway, trafficway or sidewalk, except insofar as operation on a sidewalk may be necessary to enter or leave adjacent property, in any municipality that has not adopted an ordinance under section 3592 (relating to municipal ordinance) is prohibited.

Section 3. Section 3703(a) of Title 75 is amended and the section is amended by adding a subsection to read:

§ 3703. Driving upon sidewalk.

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

* * *

(d) Motorized scooters.--A municipality may permit by ordinance in accordance with Subchapter F of Chapter 35 (relating to operation of motorized scooters), the operation of a motorized scooter on a sidewalk or sidewalk area. A

1 municipality may impose such restrictions as may be necessary to
2 protect the interests of pedestrians and others using the
3 sidewalk or sidewalk area.

4 Section 4. Section 7101 of Title 75 is amended to read:

5 § 7101. Requirement for identification number.

6 Every vehicle other than a pedalcycle or motorized scooter
7 shall contain a vehicle identification number which shall be
8 placed upon or incorporated into the vehicle in such manner as
9 to be a permanent part of the vehicle.

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