

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2199 Session of 2012

INTRODUCED BY STEPHENS, BOBACK, GEORGE, HESS, HORNAMAN, KNOWLES, MAJOR, MILLARD, MURT, ROCK, SWANGER, TALLMAN, TOEPEL, VULAKOVICH, WATSON, GEIST, MILNE AND FARRY, FEBRUARY 14, 2012

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, JUNE 29, 2012

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for schedule of convictions and
3 points and for duty of driver in emergency response areas;
4 AND PROVIDING FOR OBEDIENCE TO TRAFFIC CONTROL DEVICES
5 WARNING OF HAZARDOUS CONDITIONS.



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

8 Section 1. Section 1535(a) of Title 75 of the Pennsylvania
9 Consolidated Statutes is amended to read:

10 § 1535. Schedule of convictions and points.

11 (a) General rule.--A point system for driver education and
12 control is hereby established which is related to other
13 provisions for use, suspension and revocation of the operating
14 privilege as specified under this title. Every driver licensed
15 in this Commonwealth who is convicted of any of the following
16 offenses shall be assessed points as of the date of violation in
17 accordance with the following schedule:

18 Section Number	Offense	Points
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1	1512	Violation of restriction on	
2		driver's license.	2
3	1571	Violation concerning license.	3
4	3102	Failure to obey policeman or	
5		authorized person.	2
6	<u>3111.1</u>	<u>OBEDIENCE TO TRAFFIC CONTROL</u>	<u>2</u>
7		<u>DEVICES WARNING OF HAZARDOUS</u>	
8		<u>CONDITIONS.</u>	
9	3112(a)(3)(i)	Failure to stop for a red	
10	or (ii)	light.	3
11	3114(a)(1)	Failure to stop for a flashing	
12		red light.	3
13	3302	Failure to yield half of	
14		roadway to oncoming vehicle.	3
15	3303	Improper passing.	3
16	3304	Other improper passing.	3
17	3305	Other improper passing.	3
18	3306(a)(1)	Other improper passing.	4
19	3306(a)(2)	Other improper passing.	3
20	3306(a)(3)	Other improper passing.	3
21	3307	Other improper passing.	3
22	3310	Following too closely.	3
23	3321	Failure to yield to driver on	
24		the right at intersection.	3
25	3322	Failure to yield to oncoming	
26		driver when making left turn.	3
27	3323(b)	Failure to stop for stop sign.	3
28	3323(c)	Failure to yield at yield	
29		sign.	3
30	3324	Failure to yield when entering	3



1		or crossing roadway between	
2		inter-sections.	
3	3327(a)(3)	Improper driving in emergency	
4		response area.	2
5	3332	Improper turning around.	3
6	3341(a)	Failure to obey signal	
7		indicating approach of train.	2
8	3341(b)	Failure to comply with	
9		crossing gate or barrier.	4
10		(and 30 days' suspension)	
11	3342(b) or (e)	Failure to stop at railroad	
12		crossings.	4
13	3344	Failure to stop when entering	
14		from alley, driveway or	
15		building.	3
16	3345(a)	Failure to stop for school bus	
17		with flashing red lights.	5
18		(and 60 days' suspension)	
19	3361	Driving too fast for	
20		conditions.	2
21	3362	Exceeding maximum speed.--Over	
22		Limit:	
23		6-10	2
24		11-15	3
25		16-25	4
26		26-30	5
27		31-over	5
28		(and departmental hearing	
29		and sanctions provided	
30		under section 1538(d))	



1	3365 (b)	Exceeding special speed limit	
2		in school zone.	3
3		(and 60 days' suspension	
4		for a second or subsequent	
5		offense)	
6	3365 (c)	Exceeding special speed limit	
7		for trucks on downgrades.	3
8	3542 (a)	Failure to yield to pedestrian	
9		in crosswalk.	2
10	3547	Failure to yield to pedestrian	
11		on sidewalk.	3
12	3549 (a)	Failure to yield to blind	
13		pedestrian.	3
14	3702	Improper backing.	3
15	3714 (a)	Careless driving.	3
16	3745	Leaving scene of accident	
17		involving property damage	
18		only.	4

19 * * *

20 ~~Section 2. Section 3327 (a), (b) and (b.1) of Title 75 are~~ ←
21 ~~amended and the section is amended by adding subsections to~~
22 ~~read:~~

23 ~~§ 3327. Duty of driver in emergency response areas.~~

24 ~~(a) General rule. When approaching or passing an emergency~~
25 ~~response area, a person, unless otherwise directed by an~~
26 ~~emergency service responder, shall:~~

27 ~~(1) pass in a lane not adjacent to that of the emergency~~
28 ~~response area, if possible; [or]~~

29 ~~(2) if passing in a nonadjacent lane is impossible,~~
30 ~~illegal or unsafe, pass the emergency response area at a~~

1 ~~careful and prudent reduced speed reasonable for safely~~
2 ~~passing the emergency response area[.]; or~~

3 ~~(3) not drive past, around or through a sign or traffic~~
4 ~~control device closing a road or highway due to an existing~~
5 ~~or potentially hazardous condition.~~

6 ~~(b) Penalty.—~~

7 ~~(1) Any person violating subsection (a) commits a~~
8 ~~summary offense and shall, upon conviction, pay a fine of not~~
9 ~~more than \$250.~~

10 ~~(2) If a violation of subsection (a) (3) results in the~~
11 ~~utilization of the services of a first responder or emergency~~
12 ~~medical or rescue personnel, including towing services, the~~
13 ~~fine shall be increased to not less than \$250 nor more than~~
14 ~~\$500.~~

15 ~~(b.1) Suspension of operating privilege. The department~~
16 ~~shall suspend the operating privilege of any person for 90 days~~
17 ~~upon receiving a certified record of the driver's conviction,~~
18 ~~adjudication of delinquency or admission into a preadjudication~~
19 ~~program for a violation of subsection [(a),] (a) (1) and (2), if~~
20 ~~the certified conviction indicates the violation resulted in~~
21 ~~serious bodily injury to another person. The license shall be~~
22 ~~surrendered in accordance with section 1540 (relating to~~
23 ~~surrender of license).~~

24 ~~(b.2) Presumption. For the purposes of this section, it is~~
25 ~~presumed that a vehicle became disabled as a result of violating~~
26 ~~subsection (a) (3) if it was disabled near or in the hazard for~~
27 ~~which the traffic control device had been placed absent evidence~~
28 ~~to the contrary.~~

29 * * *

30 SECTION 2. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:



1 § 3111.1. OBEDIENCE TO TRAFFIC CONTROL DEVICES WARNING OF
2 HAZARDOUS CONDITIONS.

3 (A) GENERAL RULE.--THE DRIVER OF ANY VEHICLE, UNLESS
4 OTHERWISE DIRECTED BY AN EMERGENCY SERVICE RESPONDER, SHALL NOT
5 DRIVE PAST, AROUND OR THROUGH A SIGN OR TRAFFIC-CONTROL DEVICE
6 CLOSING A ROAD OR HIGHWAY DUE TO AN EXISTING OR POTENTIALLY
7 HAZARDOUS CONDITION.

8 (B) PENALTY.--ANY PERSON VIOLATING THIS SECTION COMMITS A
9 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, PAY A FINE OF NOT
10 MORE THAN \$250 UNLESS THE VIOLATION RESULTS IN THE UTILIZATION
11 OF THE SERVICES OF A FIRST RESPONDER OR EMERGENCY MEDICAL OR
12 RESCUE PERSONNEL, INCLUDING TOWING SERVICES, IN WHICH CASE THE
13 FINE SHALL BE INCREASED TO NOT LESS THAN \$250 NOR MORE THAN
14 \$500.

15 ~~(d.1)~~ (C) Emergency response costs.--A person convicted of ←
16 violating ~~subsection (a)(3)~~ THIS SECTION shall, in addition to ←
17 any other sentence imposed or restitution ordered under 42
18 Pa.C.S. § 9721(c) (relating to sentencing generally), be
19 sentenced to pay restitution in an amount equal to the cost of
20 fire and police response and emergency medical service or
21 emergency preparedness response resulting from the offense.

22 * * *

23 Section 3. This act shall take effect in 60 days.