
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1360 Session of
2013

INTRODUCED BY RAPP, READSHAW, MAJOR, KAUFFMAN, DAY, PICKETT,
SWANGER, CARROLL, WATSON, MILLER, C. HARRIS, GINGRICH, COHEN,
TOOHIL, KORTZ AND DENLINGER, MAY 8, 2013

REFERRED TO COMMITTEE ON TRANSPORTATION, MAY 8, 2013

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for fleeing or attempting to
3 elude police officer and for vehicular hazard signal lamps.

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

6 Section 1. Section 3733(c)(2) of Title 75 of the
7 Pennsylvania Consolidated Statutes is amended to read:

8 § 3733. Fleeing or attempting to elude police officer.

9 * * *

10 (c) Defenses.--

11 * * *

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

18 (i) The time and location of the event.

1 (ii) The type of police vehicle used by the police
2 officer.

3 (iii) The defendant's conduct while being followed
4 by the police officer.

5 (iv) Whether the defendant stopped at the first
6 available reasonably lighted or populated area.

7 (v) Whether the defendant had activated the
8 vehicle's hazard signal lamps to indicate that the
9 defendant acknowledged the presence of a police officer
10 in pursuit of the vehicle and intended to pull over at
11 the first available safe, well-lighted or populated area.

12 [(v)] (vi) Any other factor considered relevant by
13 the court.

14 Section 2. Section 4305(b) of Title 75 is amended by adding
15 a paragraph to read:

16 § 4305. Vehicular hazard signal lamps.

17 * * *

18 (b) Use outside business and residence districts.--Outside
19 of a business or residence district:

20 * * *

21 (3) The driver of a motor vehicle equipped with
22 simultaneous flashing signals shall use the signals to
23 indicate that the driver acknowledges the presence of a
24 police officer who is in pursuit of the vehicle and that the
25 driver will pull over at the first available safe, well-
26 lighted or populated area.

27 * * *

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