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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1120 Session of  
2013

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INTRODUCED BY FERLO, STACK, FONTANA, HUGHES AND SOLOBAY,  
OCTOBER 10, 2013

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REFERRED TO TRANSPORTATION, OCTOBER 10, 2013

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AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, in preliminary provisions, further providing for  
3 definitions; in rules of the road in general, providing for  
4 solid waste collection vehicles; in miscellaneous provisions,  
5 further providing for the offense of homicide by vehicle and  
6 for the offense of aggravated assault by vehicle; and in  
7 lighting equipment, further providing for use and display of  
8 illuminated signs.

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

11 Section 1. Section 102 of Title 75 of the Pennsylvania  
12 Consolidated Statutes 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:

19 \* \* \*

20 "Solid waste collection vehicle." A vehicle used for the  
21 curbside collection of municipal solid waste.

1 \* \* \*

2 Section 2. Title 75 is amended by adding a section to read:  
3 § 3329. Solid waste collection vehicles.

4 (a) General rule.--Upon approaching and passing a stationary  
5 solid waste collection vehicle that is giving a visual signal by  
6 means of flashing, rotating or oscillating lights as required  
7 under section 4307(d.1) (relating to use and display of  
8 illuminated signs), the driver of an approaching vehicle shall  
9 reduce to and maintain a safe speed for weather, road conditions  
10 and vehicular or pedestrian traffic and proceed with due care  
11 and caution.

12 (b) Penalty.--Any person violating subsection (a) commits a  
13 summary offense and shall, upon conviction, pay a fine of not  
14 more than \$250.

15 (c) Fines to be doubled.--In addition to any penalty as  
16 provided in subsection (b), the fine for any of the following  
17 violations committed in an area where sanitation workers are at  
18 risk from traffic and the operator knows or should know that  
19 sanitation workers are present shall be double the usual amount:

20 Section 3102 (relating to obedience to authorized  
21 persons directing traffic).

22 Section 3111 (relating to obedience to traffic-  
23 control devices).

24 Section 3112 (relating to traffic-control signals).

25 Section 3114 (relating to flashing signals).

26 Section 3302 (relating to meeting vehicle proceeding  
27 in opposite direction).

28 Section 3303 (relating to overtaking vehicle on the  
29 left).

30 Section 3304 (relating to overtaking vehicle on the

1 right).

2 Section 3305 (relating to limitations on overtaking  
3 on the left).

4 Section 3306 (relating to limitations on driving on  
5 left side of roadway).

6 Section 3307 (relating to no-passing zones).

7 Section 3309 (relating to driving on roadways laned  
8 for traffic).

9 Section 3310 (relating to following too closely).

10 Section 3323 (relating to stop signs and yield  
11 signs).

12 Section 3326 (relating to duty of driver in  
13 construction and maintenance areas).

14 Section 3361 (relating to driving vehicle at safe  
15 speed).

16 Section 3362 (relating to maximum speed limits).

17 Section 3702 (relating to limitations on backing).

18 Section 3714 (relating to careless driving).

19 Section 3736 (relating to reckless driving).

20 Section 3802 (relating to driving under influence of  
21 alcohol or controlled substance).

22 (d) Reports by solid waste collection workers.--

23 (1) A solid waste collection worker observing a  
24 violation of subsection (a) may prepare a written, signed  
25 report which indicates that a violation has occurred. To the  
26 extent possible, the report shall include the following  
27 information:

28 (i) Information pertaining to the identity of the  
29 alleged violator.

30 (ii) The license number and color of the vehicle

1 involved in the violation.

2 (iii) The time and approximate location at which the  
3 violation occurred.

4 (iv) Identification of the vehicle as an automobile,  
5 truck, bus, motorcycle or other type of vehicle.

6 (2) Within 48 hours after the violation occurs, the  
7 solid waste collection worker shall deliver a copy of the  
8 report to a police officer having authority to exercise  
9 police power in the area where the violation occurred. If the  
10 police officer believes that the report establishes a  
11 sufficient basis for the issuance of a citation, the officer  
12 shall file a citation and a copy of the report with the  
13 issuing authority. If the issuing authority determines that  
14 the report and citation establish a sufficient basis for the  
15 issuance of a summons, a summons shall be issued in  
16 accordance with general rules governing the institution of  
17 proceedings in summary traffic offense cases. The issuing  
18 authority shall send the defendant a copy of the citation,  
19 together with a statement that it was filed by the police  
20 officer named in the citation on the basis of information  
21 received.

22 (3) A person may institute a proceeding pursuant to this  
23 subsection or in accordance with any means authorized by the  
24 Pennsylvania Rules of Criminal Procedure.

25 Section 3. Sections 3732(b) and 3732.1(b) of Title 75 are  
26 amended to read:

27 § 3732. Homicide by vehicle.

28 \* \* \*

29 (b) Sentencing--

30 (1) In addition to any other penalty provided by law, a

1 person convicted of a violation of subsection (a) may be  
2 sentenced to an additional term not to exceed five years'  
3 confinement if at trial the prosecution proves beyond a  
4 reasonable doubt that the offense occurred in an active work  
5 zone.

6 (1.1) In addition to any other penalty provided by law,  
7 a person convicted of a violation of subsection (a) as the  
8 result of a violation of section 3325 (relating to duty of  
9 driver on approach of emergency vehicle) [or], 3327 (relating  
10 to duty of driver in emergency response areas) or 3329(a)  
11 (relating to solid waste collection vehicles) and who is  
12 convicted of violating section 3325 [or], 3327 or 3329(a) may  
13 be sentenced to an additional term not to exceed five years'  
14 confinement when the violation resulted in death.

15 (2) The prosecution must indicate intent to proceed  
16 under this section in the indictment or information which  
17 commences the prosecution.

18 (3) The Pennsylvania Commission on Sentencing, pursuant  
19 to 42 Pa.C.S. § 2154 (relating to adoption of guidelines for  
20 sentencing), shall provide for a sentencing enhancement for  
21 an offense under this section when the violation occurred in  
22 an active work zone or was the result of a violation of  
23 section 3325 [or], 3327 or 3329(a).

24 § 3732.1. Aggravated assault by vehicle.

25 \* \* \*

26 (b) Sentencing.--

27 (1) In addition to any other penalty provided by law, a  
28 person convicted of a violation of subsection (a) may be  
29 sentenced to an additional term not to exceed two years'  
30 confinement if at trial the prosecution proves beyond a

1 reasonable doubt that the offense occurred in an active work  
2 zone.

3 (2) In addition to any other penalty provided by law, a  
4 person convicted of a violation of subsection (a) as the  
5 result of a violation of section 3325 (relating to duty of  
6 driver on approach of emergency vehicle) [or], 3327 (relating  
7 to duty of driver in emergency response areas) or 3329(a)  
8 (relating to solid waste collection vehicles) and who is  
9 convicted of violating section 3325 [or], 3327 or 3329(a) may  
10 be sentenced to an additional term not to exceed two years'  
11 confinement when the violation resulted in serious bodily  
12 injury.

13 (3) The prosecution must indicated intent to proceed  
14 under this section in the indictment or information which  
15 commences the prosecution.

16 (4) The Pennsylvania Commission on Sentencing, under 42  
17 Pa.C.S. § 2154 (relating to adoption of guidelines for  
18 sentencing), shall provide for a sentencing enhancement for  
19 an offense under this section when the violation occurred in  
20 an active work zone or was the result of a violation of  
21 section 3325 [or], 3327 or 3329(a).

22 Section 4. Section 4307 of Title 75 is amended by adding a  
23 subsection to read:

24 § 4307. Use and display of illuminated signs.

25 \* \* \*

26 (d.1) Solid waste collection vehicle.--A solid waste  
27 collection vehicle shall be equipped with flashing, rotating or  
28 oscillating lights that can be seen by traffic moving in both  
29 directions.

30 \* \* \*

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