

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 827 Session of 2017

INTRODUCED BY HEFFLEY, MACKENZIE, STAATS, CORBIN, MURT, BOBACK, BAKER, B. MILLER, READSHAW, WATSON, KINSEY, MILLARD, A. HARRIS, WARD, O'NEILL, MILNE, DeLUCA, NEILSON, ZIMMERMAN, MOUL AND GILLEN, MARCH 13, 2017

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 13, 2017

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of
 2 the Pennsylvania Consolidated Statutes, in falsification and
 3 intimidation, further providing for the offense of
 4 impersonating a public servant; and, in other required
 5 equipment, further providing for visual and audible signals
 6 on emergency vehicles.

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

9 Section 1. Section 4912 of Title 18 of the Pennsylvania
 10 Consolidated Statutes is amended to read:

11 § 4912. Impersonating a public servant.

12 (a) Offenses defined.--A person commits [a misdemeanor of
 13 the second degree if he falsely] the offense of impersonating a
 14 public servant if:

15 (1) The person pretends to hold a position in the public
 16 service with intent to induce another to submit to such
 17 pretended official authority or otherwise to act in reliance
 18 upon that pretense [to his prejudice].

19 (2) The person pretends to be a law enforcement officer

1 with intent to induce another to submit to such pretended
2 official authority or otherwise act in reliance upon that
3 pretense.

4 (b) Grading.--

5 (1) An offense under subsection (a)(1) is a misdemeanor
6 of the second degree.

7 (2) An offense under subsection (a)(2) is a felony of
8 the third degree.

9 (c) Definition.--As used in this section, the term "law
10 enforcement officer" means any of the following:

11 (1) A member of the Pennsylvania State Police.

12 (2) A liquor enforcement officer of the Pennsylvania
13 State Police.

14 (3) An enforcement officer or investigator employed by
15 the Pennsylvania Liquor Control Board.

16 (4) A parole agent, enforcement officer or investigator
17 of the Pennsylvania Board of Probation and Parole.

18 (5) A Capitol Police officer.

19 (6) A Department of Conservation and Natural Resources
20 ranger.

21 (7) A drug enforcement agent of the Office of Attorney
22 General whose principal duty is the enforcement of the drug
23 laws of this Commonwealth and a special agent of the Office
24 of Attorney General whose principal duty is the enforcement
25 of the criminal laws of this Commonwealth.

26 (8) A member of a port authority or other authority
27 police department.

28 (9) A police officer of a county, region, city, borough,
29 town or township.

30 (10) A sheriff or deputy sheriff.

1 (11) A Pennsylvania Waterways Conservation Officer.

2 (12) A Pennsylvania Wildlife Conservation Officer.

3 (13) A member of a campus police force with the power to

4 arrest under section 2416 of the act of April 9, 1929

5 (P.L.177, No.175), known as The Administrative Code of 1929.

6 As used in this paragraph, the term "campus police" has the

7 meaning given in section 302 of the act of November 29, 2004

8 (P.L.1383, No.180), known as the Uniform Crime Reporting Act.

9 (14) A member of the Fort Indiantown Gap Police Force.

10 (15) A corrections officer employed at a State or county

11 correctional institution to provide any security or custodial

12 service for inmates.

13 (16) A constable or deputy constable.

14 Section 2. Section 4571 of Title 75 is amended by adding

15 subsections to read:

16 § 4571. Visual and audible signals on emergency vehicles.

17 * * *

18 (d.1) Sale of emergency vehicle.--

19 (1) A seller of an emergency vehicle equipped with

20 revolving or flashing lights or audible warning systems

21 identical or similar to those specified in subsections (a)

22 and (b) shall remove all externally mounted emergency lights

23 or permanently disable all other nonremovable emergency

24 lights or systems upon the sale of the vehicle to a buyer who

25 is not authorized by law or regulation to operate an

26 emergency vehicle with visual or audible systems.

27 (2) A person who sells a vehicle equipped with visual or

28 audible warning systems in violation of this subsection

29 commits a summary offense and shall, upon conviction, be

30 sentenced to pay a fine of not less than \$500 nor more than

1 \$1,000.

2 (3) A person who sells a vehicle equipped with visual or
3 audible warning systems in violation of this subsection who
4 knows or should have known of the buyer's intent to use the
5 vehicle in violation of 18 Pa.C.S. § 4912(a)(2) (relating to
6 impersonating a public servant) commits a misdemeanor of the
7 third degree.

8 (d.2) Exceptions.--Subsections (d) and (d.1) shall not apply
9 to any of the following:

10 (1) The sale or use of police, fire or other emergency
11 vehicles for which antique, classic, vintage or collectible
12 registration plates have been issued under section 1340
13 (relating to antique, classic and collectible plates) and
14 which are driven or transported without operation of visual
15 or audible warning systems.

16 (2) The sale or use of police, fire or other emergency
17 vehicles for which manufacturer or dealer registration plates
18 have been issued under section 1335 (relating to registration
19 plates for manufacturers and dealers) and which are driven or
20 transported without operation of visual or audible warning
21 systems for the purpose of sale, service, demonstration or
22 exhibition.

23 (3) The sale or use of a police, fire or other emergency
24 vehicle by a representative of a manufacturer of aftermarket
25 emergency vehicle equipment or an upfitter whose primary
26 income is derived from the sale, service or installation of
27 emergency vehicle equipment when the vehicle is driven or
28 transported without operation of visual or audible warning
29 systems for the purpose of sale, service, demonstration or
30 exhibition. The vehicle shall be clearly marked as a

1 demonstration vehicle.

2 * * *

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