

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1536 Session of 2019

INTRODUCED BY B. MILLER, DALEY, ZIMMERMAN, READSHAW, FRANKEL, SCHMITT, NEILSON, MENTZER, MADDEN, HILL-EVANS, MALONEY, STURLA, DIAMOND, RYAN, MILLARD AND SIMS, JUNE 3, 2019

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, NOVEMBER 18, 2019

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in general provisions, further providing for
3 definitions; in licensing of drivers, further providing for
4 suspension of operating privilege; in rules of the road in <--
5 general, further providing for the offense of overtaking
6 vehicle on the left; in special vehicles and pedestrians,
7 further providing for penalty for violation of subchapter;
8 and, in miscellaneous provisions, further providing for the
9 offense of careless driving and for the offense of reckless <--
10 driving.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 ~~Section 1. Section 102 of Title 75 of the Pennsylvania~~ <--
14 ~~Consolidated Statutes is amended by adding a definition to read:~~

15 SECTION 1. THE DEFINITION OF "PEDESTRIAN" IN SECTION 102 OF <--
16 TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED
17 AND THE SECTION IS AMENDED BY ADDING DEFINITIONS TO READ:

18 § 102. Definitions.

19 Subject to additional definitions contained in subsequent
20 provisions of this title which are applicable to specific
21 provisions of this title, the following words and phrases when

1 used in this title shall have, unless the context clearly
2 indicates otherwise, the meanings given to them in this section:

3 * * *

4 "BODILY INJURY." AN INJURY CAUSING IMPAIRMENT OF PHYSICAL <--
5 CONDITION OR SUBSTANTIAL PAIN.

6 * * *

7 "PEDESTRIAN." [A NATURAL PERSON AFOOT.] AN INDIVIDUAL AFOOT
8 OR AN INDIVIDUAL WITH A MOBILITY-RELATED DISABILITY ON A SELF-
9 PROPELLED WHEELCHAIR OR ON AN ELECTRICAL MOBILITY DEVICE
10 OPERATED BY AND DESIGNED FOR THE EXCLUSIVE USE OF AN INDIVIDUAL
11 WITH A MOBILITY-RELATED DISABILITY.

12 * * *

13 "Vulnerable highway user." ~~A pedestrian or a person on a~~ <--
14 ~~self propelled transportation device, an auxiliary powered~~
15 ~~transportation device, an animal, an animal drawn vehicle or a~~
16 ~~farm vehicle, and who is lawfully on a highway.~~ ANY OF THE <--
17 FOLLOWING WHO IS LAWFULLY ON A HIGHWAY:

18 (1) A PEDESTRIAN.

19 (2) AN INDIVIDUAL ON A PEDALCYCLE.

20 (3) AN INDIVIDUAL ON A MOTORIZED PEDALCYCLE.

21 (4) AN INDIVIDUAL ON AN ANIMAL.

22 (5) AN INDIVIDUAL ON AN ANIMAL-DRAWN VEHICLE.

23 (6) AN INDIVIDUAL ON AN ELECTRIC PERSONAL ASSISTIVE
24 MOBILITY DEVICE.

25 (7) AN INDIVIDUAL ON A NONMOTORIZED SELF-PROPELLED
26 TRANSPORTATION DEVICE.

27 (8) AN INDIVIDUAL ON A MOTOR-DRIVEN CYCLE.

28 * * *

29 Section 2. Sections 1532(a) and (b) (1) ~~and (5)~~, 3303(a) (3), <--
30 3502 and 3714 of Title 75 are amended to read:

1 § 1532. Suspension of operating privilege.

2 (a) One-year suspension.--The department shall suspend the
3 operating privilege of any driver for one year upon receiving a
4 certified record of the driver's conviction of or an
5 adjudication of delinquency based on any of the following
6 offenses:

7 (1) Any felony in the commission of which a court
8 determines that a vehicle was essentially involved.

9 (3) Any violation of the following provisions:

10 Section 3714(b.1) (relating to careless driving).

11 Section 3735.1 (relating to aggravated assault by
12 vehicle while driving under the influence).

13 Section 3742 (relating to accidents involving death
14 or personal injury).

15 Section 3742.1 (relating to accidents involving death
16 or personal injury while not properly licensed).

17 Section 7111 (relating to dealing in titles and
18 plates for stolen vehicles).

19 Section 7121 (relating to false application for
20 certificate of title or registration).

21 Section 7122 (relating to altered, forged or
22 counterfeit documents and plates).

23 * * *

24 (b) Suspension.--

25 (1) The department shall suspend the operating privilege
26 of any driver for six months upon receiving a certified
27 record of the driver's conviction of or an adjudication of
28 delinquency based on any offense under the following
29 provisions:

30 Section 3367 (relating to racing on highways).

1 Section 3714(b) [(relating to careless driving)] or
2 (c.1).

3 Section 3734 (relating to driving without lights to
4 avoid identification or arrest).

5 Section 3736 (relating to reckless driving).

6 Section 3743 (relating to accidents involving damage
7 to attended vehicle or property).

8 * * *

9 ~~(5) The department shall suspend the operating privilege <--~~
10 ~~of any driver for three months upon receiving a certified~~
11 ~~record of the driver's conviction of or an adjudication of~~
12 ~~delinquency based on section 3714(c) or (c.2).~~

13 * * *

14 ~~§ 3303. Overtaking vehicle on the left.~~

15 ~~(a) General rule. The following rules shall govern the~~
16 ~~overtaking and passing of vehicles proceeding in the same~~
17 ~~direction, subject to the limitations, exceptions and special~~
18 ~~rules stated in this chapter:~~

19 * * *

20 ~~(3) The driver of a motor vehicle overtaking a~~
21 ~~[pedalcycle] vulnerable highway user proceeding in the same~~
22 ~~direction shall pass to the left of the [pedalcycle]~~
23 ~~vulnerable highway user within not less than four feet at a~~
24 ~~careful and prudent reduced speed.~~

25 * * *

26 § 3502. Penalty for violation of subchapter.

27 Any person violating any provision of this subchapter is
28 guilty of a summary offense and shall, upon conviction, be
29 sentenced to pay a fine of [~~\$10~~] \$25.

30 § 3714. Careless driving.

1 (a) General rule.--Any person who drives a vehicle in
2 careless disregard for the safety of persons or property is
3 guilty of careless driving, a summary offense.

4 (b) Unintentional death.--[If] Except as provided in
5 subsection (b.1), if the person who violates this section
6 unintentionally causes the death of another person as a result
7 of the violation, the person shall, upon conviction, be
8 sentenced to pay a fine of \$500.

9 (b.1) Death involving a vulnerable highway user.--If the
10 person who violates this section UNINTENTIONALLY causes the <--
11 death of a vulnerable highway user as a result of the violation,
12 the person shall, upon conviction, be sentenced to pay a fine of
13 NOT LESS THAN \$500 AND not more than \$5,000. <--

14 (c) Serious bodily injury.--[If] Except as provided in
15 subsection (c.1), if the person who violates this section
16 unintentionally causes the serious bodily injury of another
17 person as a result of the violation, the person shall, upon
18 conviction, be sentenced to pay a fine of \$250.

19 (c.1) Serious bodily injury to a vulnerable highway user.--
20 If the person who violates this section UNINTENTIONALLY causes <--
21 the serious bodily injury of a vulnerable highway user as a
22 result of the violation, the person shall, upon conviction, be
23 sentenced to pay a fine of NOT LESS THAN \$250 AND not more than <--
24 \$2,500.

25 (c.2) Bodily injury to a vulnerable highway user.--If a
26 person who violates this section UNINTENTIONALLY causes the <--
27 bodily injury of a vulnerable highway user as a result of the
28 violation, the person shall, upon conviction, be sentenced to
29 pay a fine of not more than \$500.

30 ~~Section 3. Section 3736(b) of Title 75 is amended and the~~ <--

1 ~~section is amended by adding subsections to read:~~

2 ~~§ 3736. Reckless driving.~~

3 ~~* * *~~

4 ~~(b) Penalty. [Any] Except as provided in subsections (c),~~
5 ~~(d) and (e), any person who violates this section commits a~~
6 ~~summary offense and shall, upon conviction, be sentenced to pay~~
7 ~~a fine of \$200.~~

8 ~~(c) Death involving a vulnerable highway user. A person who~~
9 ~~violates this section and causes the death of a vulnerable~~
10 ~~highway user as a result of the violation commits a misdemeanor~~
11 ~~of the first degree and shall, upon conviction, be sentenced to~~
12 ~~pay a fine of not more than \$10,000.~~

13 ~~(d) Serious bodily injury to a vulnerable highway user. A~~
14 ~~person who violates this section and causes the serious bodily~~
15 ~~injury of a vulnerable highway user as a result of the violation~~
16 ~~commits a misdemeanor of the second degree and shall, upon~~
17 ~~conviction, be sentenced to pay a fine of not more than \$5,000.~~

18 ~~(e) Bodily injury to a vulnerable highway user. A person~~
19 ~~who violates this section and causes the bodily injury of a~~
20 ~~vulnerable highway user as a result of the violation commits a~~
21 ~~misdemeanor of the third degree and shall, upon conviction, be~~
22 ~~sentenced to pay a fine of not more that \$1,000.~~

23 Section 4 3. This act shall take effect in 120 days.

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