

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 AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JANUARY 22, 2020

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 AND PROVIDING FOR VEHICLES PASSING
7 PEDESTRIANS ON A HIGHWAY; in special vehicles and
8 pedestrians, further providing for penalty for violation of
9 subchapter; and, in miscellaneous provisions, further
10 providing for the offense of careless driving.

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

13 Section 1. The definition of "pedestrian" in section 102 of
14 Title 75 of the Pennsylvania Consolidated Statutes is amended
15 and the section is amended by adding definitions to read:

16 § 102. Definitions.

17 Subject to additional definitions contained in subsequent
18 provisions of this title which are applicable to specific
19 provisions of this title, the following words and phrases when
20 used in this title shall have, unless the context clearly
21 indicates otherwise, the meanings given to them in this section:

1 * * *

2 "Bodily injury." An injury causing impairment of physical
3 condition or substantial pain.

4 * * *

5 "Pedestrian." [A natural person afoot.] An individual afoot
6 or an individual with a mobility-related disability on a self-
7 propelled wheelchair or on an electrical mobility device
8 operated by and designed for the exclusive use of an individual
9 with a mobility-related disability.

10 * * *

11 "Vulnerable highway user." Any of the following who is
12 lawfully on a highway:

13 (1) A pedestrian.

14 (2) An individual on a pedalcycle.

15 (3) An individual on a motorized pedalcycle.

16 (4) An individual on an animal.

17 (5) An individual on an animal-drawn vehicle.

18 (6) An individual on an electric personal assistive
19 mobility device.

20 (7) An individual on a nonmotorized self-propelled
21 transportation device.

22 (8) An individual on a motor-driven cycle.

23 * * *

24 Section 2. Sections 1532(a) and (b) (1), ~~3502 and 3714~~ AND <--
25 3303(A) (3) of Title 75 are amended to read:

26 § 1532. Suspension of operating privilege.

27 (a) One-year suspension.--The department shall suspend the
28 operating privilege of any driver for one year upon receiving a
29 certified record of the driver's conviction of or an
30 adjudication of delinquency based on any of the following

1 offenses:

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

4 (3) Any violation of the following provisions:

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

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

8 Section 3742 (relating to accidents involving death
9 or personal injury).

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

12 Section 7111 (relating to dealing in titles and
13 plates for stolen vehicles).

14 Section 7121 (relating to false application for
15 certificate of title or registration).

16 Section 7122 (relating to altered, forged or
17 counterfeit documents and plates).

18 * * *

19 (b) Suspension.--

20 (1) The department shall suspend the operating privilege
21 of any driver for six months upon receiving a certified
22 record of the driver's conviction of or an adjudication of
23 delinquency based on any offense under the following
24 provisions:

25 Section 3367 (relating to racing on highways).

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

28 Section 3734 (relating to driving without lights to
29 avoid identification or arrest).

30 Section 3736 (relating to reckless driving).

1 Section 3743 (relating to accidents involving damage
2 to attended vehicle or property).

3 * * *

4 § 3303. OVERTAKING VEHICLE ON THE LEFT. <--

5 (A) GENERAL RULE.--THE FOLLOWING RULES SHALL GOVERN THE
6 OVERTAKING AND PASSING OF VEHICLES PROCEEDING IN THE SAME
7 DIRECTION, SUBJECT TO THE LIMITATIONS, EXCEPTIONS AND SPECIAL
8 RULES STATED IN THIS CHAPTER:

9 * * *

10 (3) THE DRIVER OF A MOTOR VEHICLE OVERTAKING A
11 [PEDALCYCLE] VULNERABLE HIGHWAY USER, OTHER THAN A
12 PEDESTRIAN, PROCEEDING IN THE SAME DIRECTION SHALL PASS TO
13 THE LEFT OF THE [PEDALCYCLE] VULNERABLE HIGHWAY USER WITHIN
14 NOT LESS THAN FOUR FEET AT A CAREFUL AND PRUDENT REDUCED
15 SPEED.

16 * * *

17 SECTION 3. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:
18 § 3303.1. VEHICLES PASSING PEDESTRIANS ON A HIGHWAY.

19 (A) GENERAL RULE.--THE FOLLOWING RULES SHALL GOVERN THE
20 PASSING OF PEDESTRIANS ON A HIGHWAY WHEN VEHICLES ARE PROCEEDING
21 IN THE SAME OR OPPOSITE DIRECTION:

22 (1) IF A PEDESTRIAN IS WALKING ON A HIGHWAY OR ON A
23 SHOULDER ADJACENT TO A HIGHWAY, THE DRIVER OF A MOTOR VEHICLE
24 SHALL SAFELY PASS A PEDESTRIAN ON THE PEDESTRIAN'S LEFT SIDE
25 WITHIN NOT LESS THAN FOUR FEET, BUT THE DRIVER IS NOT
26 REQUIRED TO EXIT THE LANED ROADWAY OR YIELD TO THE PEDESTRIAN
27 TO ACHIEVE THE FOUR-FOOT REQUIREMENT.

28 (2) IF A PEDESTRIAN IS WALKING ON A HIGHWAY OR ON A
29 SHOULDER ADJACENT TO A HIGHWAY AND THE ONLY OPTION FOR THE
30 DRIVER OF A MOTOR VEHICLE TO SAFELY PASS A PEDESTRIAN IS ON

1 THE RIGHT SIDE OF THE PEDESTRIAN, THE DRIVER OF A MOTOR
2 VEHICLE SHALL SAFELY PASS ON THE PEDESTRIAN'S RIGHT SIDE
3 WITHIN NOT LESS THAN FOUR FEET, BUT THE DRIVER IS NOT
4 REQUIRED TO EXIT THE LANED ROADWAY OR YIELD TO THE PEDESTRIAN
5 TO ACHIEVE THE FOUR-FOOT REQUIREMENT.

6 (B) CONSTRUCTION.--NOTHING WITHIN THIS SECTION SHALL BE
7 CONSTRUED TO RELIEVE A PEDESTRIAN OF THE REQUIREMENTS OF SECTION
8 3542 (RELATING TO RIGHT-OF-WAY OF PEDESTRIANS IN CROSSWALKS),
9 3543 (RELATING TO PEDESTRIANS CROSSING AT OTHER THAN CROSSWALKS)
10 OR 3544 (RELATING TO PEDESTRIANS WALKING ALONG OR ON HIGHWAY).

11 SECTION 4. SECTIONS 3502 AND 3714 OF TITLE 75 ARE AMENDED TO
12 READ:

13 § 3502. Penalty for violation of subchapter.

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

17 § 3714. Careless driving.

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

21 (b) Unintentional death.--~~[If]~~ Except as provided in
22 subsection (b.1), if the person who violates this section
23 unintentionally causes the death of another person as a result
24 of the violation, the person shall, upon conviction, be
25 sentenced to pay a fine of \$500.

26 (b.1) Death involving a vulnerable highway user.--If the
27 person who violates this section unintentionally causes the
28 death of a vulnerable highway user as a result of the violation,
29 the person shall, upon conviction, be sentenced to pay a fine of
30 not less than \$500 and not more than \$5,000.

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

6 (c.1) Serious bodily injury to a vulnerable highway user.--
7 If the person who violates this section unintentionally causes
8 the serious bodily injury of a vulnerable highway user as a
9 result of the violation, the person shall, upon conviction, be
10 sentenced to pay a fine of not less than \$250 and not more than
11 \$2,500.

12 (c.2) Bodily injury to a vulnerable highway user.--If a
13 person who violates this section unintentionally causes the
14 bodily injury of a vulnerable highway user as a result of the
15 violation, the person shall, upon conviction, be sentenced to
16 pay a fine of not more than \$500.

17 Section 3 5. This act shall take effect in 120 days.

<--