

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 140 Session of 2021

INTRODUCED BY MALONEY, LONGIETTI, SANCHEZ, SIMS, WHEELAND, D. WILLIAMS, MULLINS, KINSEY, HARKINS, HOHENSTEIN, SOLOMON, STEPHENS, DOWLING, WHITE, B. MILLER, DALEY, SCHMITT, T. DAVIS, INNAMORATO, KRAJEWSKI, O'MARA, HEFFLEY, KENYATTA, DELLOSO AND SAMUELSON, JANUARY 13, 2021

SENATOR LANGERHOLC, TRANSPORTATION, IN SENATE, AS AMENDED, JUNE 30, 2022

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in rules of the road in general, further providing
3 for additional parking regulations.

4 This act may be referred to as Susan's and Emily's Law.

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

7 Section 1. Section ~~3354(d)(2.1) and (f)~~ 3354(D)(2.1), (F) <--

8 AND (H) of Title 75 of the Pennsylvania Consolidated Statutes
9 are amended and the section is amended by adding a subsection to

10 read:

11 § 3354. Additional parking regulations.

12 * * *

13 (b.1) Protected pedestrian plazas and pedalcycle lanes.--

14 (1) When there is an on-street pedestrian plaza or a

15 pedalcycle lane adjacent to the right-hand curb of a two-way

16 or one-way highway, a vehicle standing or parked upon the

1 right-hand side of the two-way or one-way highway shall be
2 positioned in the direction of authorized traffic movement
3 with the right-hand wheels of the vehicle parallel to and
4 within 12 inches of the outside line of the buffer area
5 between the pedestrian plaza or pedalcycle lane and parking.

6 (2) When there is an on-street pedestrian plaza or a
7 pedalcycle lane adjacent to the left-hand curb of a one-way
8 or median-divided, two-way highway, a vehicle standing or
9 parked upon the left-hand side of the highway shall be
10 positioned in the direction of authorized traffic movement
11 with the left-hand wheels of the vehicle parallel to and
12 within 12 inches of the outside line of the buffer area
13 between the pedestrian plaza or pedalcycle lane and parking.

14 (3) Nothing under this section shall be deemed to
15 prevent a local authority from enacting parking regulations
16 under section 6109 (relating to specific powers of department
17 and local authorities) to provide for a special, alternative
18 or temporary configuration and signage for parking on a
19 highway with an on-street pedestrian plaza or pedalcycle
20 lane.

21 (4) PRIOR TO DESIGN OR CONSTRUCTION OF A PROTECTED
22 PEDESTRIAN PLAZA OR PEDALCYCLE LANE UNDER THIS SUBSECTION,
23 THE POLITICAL SUBDIVISION AND DEPARTMENT SHALL PROVIDE
24 DEFERENCE TO THE FOLLOWING:

<--

25 (I) BUSINESSES WHOSE FRONT OR REAR ENTRANCE IS
26 FACING THE HIGHWAY FOR THE PURPOSES OF LOADING AND
27 UNLOADING PROPERTY OR PASSENGERS.

28 (II) ELECTRIC VEHICLE CHARGING INFRASTRUCTURE.

29 (5) BEFORE A POLITICAL SUBDIVISION IN A COUNTY OF THE
30 SECOND THROUGH EIGHTH CLASS MAY DESIGN OR CONSTRUCT A

1 PROTECTED PEDESTRIAN PLAZA OR PROTECTED PEDALCYCLE LANE UNDER
2 THIS SUBSECTION, THE DEPARTMENT SHALL CERTIFY THAT THE
3 POLITICAL SUBDIVISION IS COMPLIANT WITH AND IS ENFORCING ALL
4 APPLICABLE PROVISIONS OF THIS TITLE. THE FOLLOWING SHALL
5 APPLY:

6 (I) A POLITICAL SUBDIVISION THAT HAS AN ORDINANCE
7 THAT IS INCONSISTENT WITH THIS TITLE OR CAUSES A
8 VIOLATION OF THIS TITLE, INCLUDING ANY ORDINANCE THAT
9 CREATES TIERED VIOLATIONS OF THIS TITLE, INCLUDING, BUT
10 NOT LIMITED TO, PRIMARY OR SECONDARY VIOLATIONS, SHALL BE
11 CONSIDERED TO BE A VIOLATION OF THIS SECTION.

12 (II) A POLITICAL SUBDIVISION THAT DIRECTS A POLICE
13 OFFICER TO NOT ENFORCE THE PROVISIONS OF THIS TITLE SHALL
14 BE CONSIDERED TO BE IN VIOLATION OF THIS SECTION.

15 (III) A POLITICAL SUBDIVISION THAT IS IN VIOLATION
16 OF THIS PARAGRAPH MAY NOT CONSTRUCT A PROTECTED
17 PEDESTRIAN PLAZA OR PEDALCYCLE LANE UNDER THIS
18 SUBSECTION. THE POLITICAL SUBDIVISION MAY CONSTRUCT THE
19 PROTECTED PEDESTRIAN PLAZA OR PEDALCYCLE LANE UNDER THIS
20 SUBSECTION IF THE DEPARTMENT DETERMINES THAT THE
21 POLITICAL SUBDIVISION IS COMPLIANT WITH THIS PARAGRAPH.

22 (6) BEFORE A POLITICAL SUBDIVISION IN A COUNTY OF THE
23 FIRST CLASS MAY DESIGN OR CONSTRUCT A PROTECTED PEDESTRIAN
24 PLAZA OR PROTECTED PEDALCYCLE LANE UNDER THIS SUBSECTION, THE
25 FOLLOWING MUST OCCUR:

26 (I) THE DEPARTMENT CERTIFIES THAT THE POLITICAL
27 SUBDIVISION IS COMPLIANT WITH AND IS ENFORCING ALL
28 APPLICABLE PROVISIONS OF THIS TITLE. THE FOLLOWING SHALL
29 APPLY:

30 (A) A POLITICAL SUBDIVISION THAT HAS AN

1 ORDINANCE THAT IS INCONSISTENT WITH THIS TITLE OR
2 CAUSES A VIOLATION OF THIS TITLE, INCLUDING ANY
3 ORDINANCE THAT CREATES TIERED VIOLATIONS OF THIS
4 TITLE, INCLUDING, BUT NOT LIMITED TO, PRIMARY OR
5 SECONDARY VIOLATIONS, SHALL BE CONSIDERED TO BE A
6 VIOLATION OF THIS SECTION.

7 (B) A POLITICAL SUBDIVISION THAT DIRECTS A
8 POLICE OFFICER TO NOT ENFORCE THE PROVISIONS OF THIS
9 TITLE SHALL BE CONSIDERED TO BE IN VIOLATION OF THIS
10 SECTION.

11 (C) A POLITICAL SUBDIVISION THAT IS IN VIOLATION
12 OF THIS PARAGRAPH MAY NOT CONSTRUCT A PROTECTED
13 PEDESTRIAN PLAZA OR PEDALCYCLE LANE UNDER THIS
14 SUBSECTION. THE POLITICAL SUBDIVISION MAY CONSTRUCT
15 THE PROTECTED PEDESTRIAN PLAZA OR PEDALCYCLE LANE
16 UNDER THIS SUBSECTION IF THE DEPARTMENT DETERMINES
17 THAT THE POLITICAL SUBDIVISION IS COMPLIANT WITH THIS
18 PARAGRAPH.

19 (II) THE ATTORNEY GENERAL HAS APPOINTED A SPECIAL
20 PROSECUTOR IN THE COUNTY OF THE FIRST CLASS TO
21 INVESTIGATE AND INSTITUTE CRIMINAL PROCEEDINGS FOR A
22 VIOLATION OF THE LAWS OF THIS COMMONWEALTH OCCURRING
23 WITHIN A PUBLIC TRANSPORTATION AUTHORITY THAT SERVES AS
24 THE PRIMARY PROVIDER OF PUBLIC PASSENGER TRANSPORTATION
25 IN THE COUNTY OF THE FIRST CLASS. THE FOLLOWING SHALL
26 APPLY:

27 (A) THE SPECIAL PROSECUTOR SHALL HAVE A MINIMUM
28 OF THREE YEARS' EXPERIENCE IN CRIMINAL PROSECUTIONS
29 WITHIN THIS COMMONWEALTH AND HAVE NOT BEEN EMPLOYED
30 BY THE DISTRICT ATTORNEY'S OFFICE OF THE COUNTY OF

1 THE FIRST CLASS WITHIN SIX YEARS OF THE ENACTMENT OF
2 THIS SECTION.

3 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW
4 OR REGULATION, THE SPECIAL PROSECUTOR SHALL HAVE THE
5 AUTHORITY TO INVESTIGATE AND INSTITUTE CRIMINAL
6 PROCEEDINGS FOR A VIOLATION OF THE LAWS OF THIS
7 COMMONWEALTH. THE SPECIAL PROSECUTOR'S AUTHORITY
8 SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

9 (I) PARTICIPATING IN COURT PROCEEDINGS AND
10 ENGAGING IN ANY CRIMINAL LITIGATION, THAT THE
11 SPECIAL PROSECUTOR CONSIDERS NECESSARY.

12 (II) APPEALING ANY DECISION OF A COURT IN
13 ANY CASE OR PROCEEDING IN WHICH THE SPECIAL
14 PROSECUTOR PARTICIPATES IN AN OFFICIAL CAPACITY.

15 (III) REVIEWING ALL AVAILABLE EVIDENCE.

16 (IV) MAKING APPLICATION TO THE APPROPRIATE
17 COURT FOR A GRANT OF IMMUNITY TO A WITNESS,
18 CONSISTENT WITH APPLICABLE STATUTORY
19 REQUIREMENTS, OR FOR WARRANTS, SUBPOENAS OR OTHER
20 COURT ORDERS.

21 (V) INITIATING AND CONDUCTING PROSECUTIONS
22 IN ANY COURT OF COMPETENT JURISDICTION, FILING
23 INFORMATION AND HANDLING ALL ASPECTS OF ANY CASE
24 IN THE NAME OF THE COMMONWEALTH.

25 (C) NO PERSON CHARGED WITH A VIOLATION OF THE
26 LAW BY THE SPECIAL PROSECUTOR SHALL HAVE STANDING TO
27 CHALLENGE THE AUTHORITY OF THE SPECIAL PROSECUTOR TO
28 PROSECUTE THE CASE, AND, IF ANY CHALLENGE IS MADE,
29 THE CHALLENGE SHALL BE DISMISSED AND NO RELIEF SHALL
30 BE AVAILABLE IN THE COURTS OF THIS COMMONWEALTH TO

1 THE INDIVIDUAL MAKING THE CHALLENGE.

2 (D) THE APPOINTED SPECIAL PROSECUTOR SHALL SERVE
3 FOR THREE YEARS. THIS SUBSECTION SHALL NOT APPLY TO
4 ANY CASE INSTITUTED THREE YEARS AFTER THE EFFECTIVE
5 DATE OF THIS SUBSECTION.

6 (E) THE COUNTY OF THE FIRST CLASS MUST COMPLY
7 WITH THIS SUBSECTION FOR THE DURATION OF THE SPECIAL
8 PROSECUTOR'S APPOINTMENT.

9 (F) THE SPECIAL PROSECUTOR SHALL COMPILE A
10 REPORT RELATED TO THE CRIMINAL ACTIVITY AND
11 ADMINISTRATIVE PROCEEDINGS WITHIN A PUBLIC
12 TRANSPORTATION AUTHORITY THAT SERVES AS THE PRIMARY
13 PROVIDER OF PUBLIC PASSENGER TRANSPORTATION IN THE
14 COUNTY OF THE FIRST CLASS. THE FOLLOWING SHALL APPLY:

15 (I) THE INITIAL REPORT SHALL BE SUBMITTED NO
16 LATER THAN 90 DAYS FOLLOWING APPOINTMENT.
17 FOLLOWING THE INITIAL REPORT, ANNUAL REPORTS
18 SHALL BE SUBMITTED TO THE GENERAL ASSEMBLY.

19 (II) REPORTS SHALL BE SUBMITTED TO THE
20 FOLLOWING:

21 (A) THE PRESIDENT PRO TEMPORE OF THE
22 SENATE.

23 (B) THE SPEAKER OF THE HOUSE OF
24 REPRESENTATIVES.

25 (C) THE CHAIRPERSON AND MINORITY
26 CHAIRPERSON OF THE JUDICIARY COMMITTEE OF THE
27 SENATE.

28 (D) THE CHAIRPERSON AND MINORITY
29 CHAIRPERSON OF THE JUDICIARY COMMITTEE OF THE
30 HOUSE OF REPRESENTATIVES.

1 (E) THE CHAIRPERSON AND MINORITY
2 CHAIRPERSON OF THE TRANSPORTATION COMMITTEE
3 OF THE SENATE.

4 (F) THE CHAIRPERSON AND MINORITY
5 CHAIRPERSON OF THE TRANSPORTATION COMMITTEE
6 OF THE HOUSE OF REPRESENTATIVES.

7 (III) IF, AT ANY TIME, THE GENERAL ASSEMBLY
8 FINDS THE CONTENTS OF THE REPORT TO BE
9 UNSATISFACTORY, INCLUDING IF THE SPECIAL
10 PROSECUTOR HAS BEEN FOUND NOT TO REDUCE CRIME OR
11 RESULT IN SUCCESSFUL PROSECUTIONS, THE GENERAL
12 ASSEMBLY SHALL PASS A CONCURRENT RESOLUTION IN
13 OPPOSITION OF THE REPORT. FOLLOWING THE PASSAGE
14 OF THE CONCURRENT RESOLUTION, THE DEPARTMENT
15 SHALL PROHIBIT THE CONSTRUCTION OF PROTECTED
16 PEDESTRIAN PLAZAS AND PEDALCYCLE LANES IN THE
17 COUNTY OF THE FIRST CLASS UNTIL THE GENERAL
18 ASSEMBLY PASSES A CONCURRENT RESOLUTION IN
19 SUPPORT OF A SUBSEQUENT REPORT.

20 (G) THE REQUIREMENTS UNDER THIS SUBPARAGRAPH
21 SHALL EXPIRE THREE YEARS FOLLOWING THE APPOINTMENT OF
22 THE SPECIAL PROSECUTOR.

23 * * *

24 (d) Person with a disability and disabled veterans.--

25 * * *

26 (2.1) Local authorities may limit access to a parking
27 space reserved under paragraph (2) to a specific vehicle,
28 license plate or other method of designation. Under this
29 paragraph, local authorities may charge a reasonable fee and
30 shall comply with section 6109 [(relating to specific powers

1 of department and local authorities)] and the Americans with
2 Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327).

3 * * *

4 (f) Penalty.--A person violating subsection (a), (b), (b.1)
5 or (d)(1) is guilty of a summary offense and shall, upon
6 conviction, be sentenced to pay a fine of not more than \$15. A
7 person violating subsection (d)(2) or (3) or (e) is guilty of a
8 summary offense and shall, upon conviction, be sentenced to pay
9 a fine of not less than \$50 nor more than \$200. If a person is
10 convicted under subsection (d)(2) or (3) in the absence of a
11 sign stating the penalty amount, the fine imposed may not exceed
12 \$50. A person violating subsection (d.1) is guilty of a summary
13 offense and shall, upon conviction, be sentenced to pay a fine
14 of not less than \$100 nor more than \$300.

15 * * *

16 (H) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING <--
17 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
18 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

19 "ACCESS AISLE." A PHYSICAL AREA MARKED IN ACCORDANCE WITH
20 DEPARTMENTAL REGULATIONS:

21 (1) DESIGNATED BY WHITE OR BLUE PAVEMENT MARKING HASH
22 MARKS, CROSS-HATCHING OR OTHER SIMILAR VISUAL NO-PARKING
23 INDICATORS;

24 (2) WHICH PROVIDES ADDITIONAL SPACE FOR A PERSON USING A
25 WHEELCHAIR, WHEELCHAIR LIFT OR OTHER MOBILITY DEVICE; AND

26 (3) WHICH IS LOCATED ADJACENT TO A PARKING SPACE
27 RESERVED FOR A PERSON WITH A DISABILITY.

28 "PERSON WITH A DISABILITY." A PERSON ISSUED A PLATE OR
29 PLACARD.

30 "PLATE OR PLACARD." A PLATE OR PLACARD ISSUED UNDER:

1 (1) SECTION 1338 (RELATING TO PERSON WITH DISABILITY
2 PLATE AND PLACARD) .

3 (2) SECTION 1342(A) OR (B) (RELATING TO VETERAN PLATES
4 AND PLACARD) .

5 "POLITICAL SUBDIVISION." A COUNTY, CITY, BOROUGH,
6 INCORPORATED TOWN, TOWNSHIP OR HOME RULE MUNICIPALITY IN THIS
7 COMMONWEALTH.

8 Section 2. This act shall take effect in 60 days.