

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

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 25, 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) NOTHING UNDER THIS SECTION SHALL BE DEEMED TO APPLY <--
22 TO THE STOPPING OR STANDING OF SCHOOL BUSES OR SCHOOL
23 VEHICLES WHEN RECEIVING OR DISCHARGING SCHOOL STUDENTS. A
24 SCHOOL BUS OR SCHOOL VEHICLE MAY STOP OR STAND AS CLOSE AS
25 PRACTICABLE TO THE CURB OR SHOULDER.

26 ~~(4)~~ (5) PRIOR TO DESIGN OR CONSTRUCTION OF A PROTECTED <--
27 PEDESTRIAN PLAZA OR PEDALCYCLE LANE UNDER THIS SUBSECTION,
28 THE POLITICAL SUBDIVISION AND DEPARTMENT SHALL PROVIDE
29 DEFERENCE TO THE FOLLOWING:

30 (I) BUSINESSES WHOSE FRONT OR REAR ENTRANCE IS

1 FACING THE HIGHWAY FOR THE PURPOSES OF LOADING AND
2 UNLOADING PROPERTY OR PASSENGERS.

3 (II) ELECTRIC VEHICLE CHARGING INFRASTRUCTURE.

4 ~~(5)~~ (6) BEFORE A POLITICAL SUBDIVISION IN A COUNTY OF <--
5 THE SECOND THROUGH EIGHTH CLASS MAY DESIGN OR CONSTRUCT A
6 PROTECTED PEDESTRIAN PLAZA OR PROTECTED PEDALCYCLE LANE UNDER
7 THIS SUBSECTION, THE DEPARTMENT SHALL CERTIFY THAT THE
8 POLITICAL SUBDIVISION IS COMPLIANT WITH AND IS ENFORCING ALL
9 APPLICABLE PROVISIONS OF THIS TITLE. THE FOLLOWING SHALL
10 APPLY:

11 (I) A POLITICAL SUBDIVISION THAT HAS AN ORDINANCE
12 THAT IS INCONSISTENT WITH THIS TITLE OR CAUSES A
13 VIOLATION OF THIS TITLE, INCLUDING ANY ORDINANCE THAT
14 CREATES TIERED VIOLATIONS OF THIS TITLE, INCLUDING, BUT
15 NOT LIMITED TO, PRIMARY OR SECONDARY VIOLATIONS, SHALL BE
16 CONSIDERED TO BE A VIOLATION OF THIS SECTION.

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

20 (III) A POLITICAL SUBDIVISION THAT IS IN VIOLATION
21 OF THIS PARAGRAPH MAY NOT CONSTRUCT A PROTECTED
22 PEDESTRIAN PLAZA OR PEDALCYCLE LANE UNDER THIS
23 SUBSECTION. THE POLITICAL SUBDIVISION MAY CONSTRUCT THE
24 PROTECTED PEDESTRIAN PLAZA OR PEDALCYCLE LANE UNDER THIS
25 SUBSECTION IF THE DEPARTMENT DETERMINES THAT THE
26 POLITICAL SUBDIVISION IS COMPLIANT WITH THIS PARAGRAPH.

27 ~~(6)~~ (7) BEFORE A POLITICAL SUBDIVISION IN A COUNTY OF <--
28 THE FIRST CLASS MAY DESIGN OR CONSTRUCT A PROTECTED
29 PEDESTRIAN PLAZA OR PROTECTED PEDALCYCLE LANE UNDER THIS
30 SUBSECTION, THE FOLLOWING MUST OCCUR:

1 (I) THE DEPARTMENT CERTIFIES THAT THE POLITICAL
2 SUBDIVISION IS COMPLIANT WITH AND IS ENFORCING ALL
3 APPLICABLE PROVISIONS OF THIS TITLE. THE FOLLOWING SHALL
4 APPLY:

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

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

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

24 ~~(II) THE ATTORNEY GENERAL HAS APPOINTED A SPECIAL~~ <--
25 ~~PROSECUTOR IN THE COUNTY OF THE FIRST CLASS TO~~
26 ~~INVESTIGATE AND INSTITUTE CRIMINAL PROCEEDINGS FOR A~~
27 ~~VIOLATION OF THE LAWS OF THIS COMMONWEALTH OCCURRING~~
28 ~~WITHIN A PUBLIC TRANSPORTATION AUTHORITY THAT SERVES AS~~
29 ~~THE PRIMARY PROVIDER OF PUBLIC PASSENGER TRANSPORTATION~~
30 ~~IN THE COUNTY OF THE FIRST CLASS. THE FOLLOWING SHALL~~

1 APPLY:

2 ~~(A) THE SPECIAL PROSECUTOR SHALL HAVE A MINIMUM~~
3 ~~OF THREE YEARS' EXPERIENCE IN CRIMINAL PROSECUTIONS~~
4 ~~WITHIN THIS COMMONWEALTH AND HAVE NOT BEEN EMPLOYED~~
5 ~~BY THE DISTRICT ATTORNEY'S OFFICE OF THE COUNTY OF~~
6 ~~THE FIRST CLASS WITHIN SIX YEARS OF THE ENACTMENT OF~~
7 ~~THIS SECTION.~~

8 ~~(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW~~
9 ~~OR REGULATION, THE SPECIAL PROSECUTOR SHALL HAVE THE~~
10 ~~AUTHORITY TO INVESTIGATE AND INSTITUTE CRIMINAL~~
11 ~~PROCEEDINGS FOR A VIOLATION OF THE LAWS OF THIS~~
12 ~~COMMONWEALTH. THE SPECIAL PROSECUTOR'S AUTHORITY~~
13 ~~SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:~~

14 ~~(I) PARTICIPATING IN COURT PROCEEDINGS AND~~
15 ~~ENGAGING IN ANY CRIMINAL LITIGATION, THAT THE~~
16 ~~SPECIAL PROSECUTOR CONSIDERS NECESSARY.~~

17 ~~(II) APPEALING ANY DECISION OF A COURT IN~~
18 ~~ANY CASE OR PROCEEDING IN WHICH THE SPECIAL~~
19 ~~PROSECUTOR PARTICIPATES IN AN OFFICIAL CAPACITY.~~

20 ~~(III) REVIEWING ALL AVAILABLE EVIDENCE.~~

21 ~~(IV) MAKING APPLICATION TO THE APPROPRIATE~~
22 ~~COURT FOR A GRANT OF IMMUNITY TO A WITNESS,~~
23 ~~CONSISTENT WITH APPLICABLE STATUTORY~~
24 ~~REQUIREMENTS, OR FOR WARRANTS, SUBPOENAS OR OTHER~~
25 ~~COURT ORDERS.~~

26 ~~(V) INITIATING AND CONDUCTING PROSECUTIONS~~
27 ~~IN ANY COURT OF COMPETENT JURISDICTION, FILING~~
28 ~~INFORMATION AND HANDLING ALL ASPECTS OF ANY CASE~~
29 ~~IN THE NAME OF THE COMMONWEALTH.~~

30 ~~(C) NO PERSON CHARGED WITH A VIOLATION OF THE~~

1 ~~LAW BY THE SPECIAL PROSECUTOR SHALL HAVE STANDING TO~~
2 ~~CHALLENGE THE AUTHORITY OF THE SPECIAL PROSECUTOR TO~~
3 ~~PROSECUTE THE CASE, AND, IF ANY CHALLENGE IS MADE,~~
4 ~~THE CHALLENGE SHALL BE DISMISSED AND NO RELIEF SHALL~~
5 ~~BE AVAILABLE IN THE COURTS OF THIS COMMONWEALTH TO~~
6 ~~THE INDIVIDUAL MAKING THE CHALLENGE.~~

7 ~~(D) THE APPOINTED SPECIAL PROSECUTOR SHALL SERVE~~
8 ~~FOR THREE YEARS. THIS SUBSECTION SHALL NOT APPLY TO~~
9 ~~ANY CASE INSTITUTED THREE YEARS AFTER THE EFFECTIVE~~
10 ~~DATE OF THIS SUBSECTION.~~

11 ~~(E) THE COUNTY OF THE FIRST CLASS MUST COMPLY~~
12 ~~WITH THIS SUBSECTION FOR THE DURATION OF THE SPECIAL~~
13 ~~PROSECUTOR'S APPOINTMENT.~~

14 ~~(F) THE SPECIAL PROSECUTOR SHALL COMPILE A~~
15 ~~REPORT RELATED TO THE CRIMINAL ACTIVITY AND~~
16 ~~ADMINISTRATIVE PROCEEDINGS WITHIN A PUBLIC~~
17 ~~TRANSPORTATION AUTHORITY THAT SERVES AS THE PRIMARY~~
18 ~~PROVIDER OF PUBLIC PASSENGER TRANSPORTATION IN THE~~
19 ~~COUNTY OF THE FIRST CLASS. THE FOLLOWING SHALL APPLY:~~

20 ~~(I) THE INITIAL REPORT SHALL BE SUBMITTED NO~~
21 ~~LATER THAN 90 DAYS FOLLOWING APPOINTMENT.~~
22 ~~FOLLOWING THE INITIAL REPORT, ANNUAL REPORTS~~
23 ~~SHALL BE SUBMITTED TO THE GENERAL ASSEMBLY.~~

24 ~~(II) REPORTS SHALL BE SUBMITTED TO THE~~
25 ~~FOLLOWING:~~

26 ~~(A) THE PRESIDENT PRO TEMPORE OF THE~~
27 ~~SENATE.~~

28 ~~(B) THE SPEAKER OF THE HOUSE OF~~
29 ~~REPRESENTATIVES.~~

30 ~~(C) THE CHAIRPERSON AND MINORITY~~

~~CHAIRPERSON OF THE JUDICIARY COMMITTEE OF THE
SENATE.~~

~~(D) THE CHAIRPERSON AND MINORITY
CHAIRPERSON OF THE JUDICIARY COMMITTEE OF THE
HOUSE OF REPRESENTATIVES.~~

~~(E) THE CHAIRPERSON AND MINORITY
CHAIRPERSON OF THE TRANSPORTATION COMMITTEE
OF THE SENATE.~~

~~(F) THE CHAIRPERSON AND MINORITY
CHAIRPERSON OF THE TRANSPORTATION COMMITTEE
OF THE HOUSE OF REPRESENTATIVES.~~

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

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

~~(II) THE SPECIAL PROSECUTOR SELECTION PANEL
ESTABLISHED UNDER CLAUSE (A) HAS APPOINTED A SPECIAL
PROSECUTOR IN THE COUNTY OF THE FIRST CLASS TO~~

<--

1 INVESTIGATE AND INSTITUTE CRIMINAL PROCEEDINGS FOR A
2 VIOLATION OF THE LAWS OF THIS COMMONWEALTH OCCURRING
3 WITHIN A PUBLIC TRANSPORTATION AUTHORITY THAT SERVES AS
4 THE PRIMARY PROVIDER OF PUBLIC PASSENGER TRANSPORTATION
5 IN THE COUNTY OF THE FIRST CLASS. THE FOLLOWING SHALL
6 APPLY:

7 (A) THE SPECIAL PROSECUTOR SELECTION PANEL IS
8 ESTABLISHED FOR THE PURPOSE OF SELECTING A SPECIAL
9 PROSECUTOR, TO WHICH THE FOLLOWING SHALL APPLY:

10 (I) THE PANEL SHALL BE COMPOSED OF ONE JUDGE
11 OF THE SUPERIOR COURT AND TWO JUDGES, WHICH MAY
12 INCLUDE SENIOR JUDGES, OF THE COURTS OF COMMON
13 PLEAS OF THIS COMMONWEALTH.

14 (II) THE MEMBERS OF THE PANEL SHALL BE
15 CHOSEN BY LOT.

16 (III) THE PROCEDURE FOR SELECTING THE PANEL
17 SHALL BE DETERMINED AND SUPERVISED BY THE COURT
18 ADMINISTRATOR OF PENNSYLVANIA IN THE
19 ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS.

20 (IV) THE ADMINISTRATIVE OFFICE OF
21 PENNSYLVANIA COURTS SHALL DISCLOSE TO THE PUBLIC
22 THE MEMBERSHIP OF THE PANEL BY POSTING THE
23 MEMBERSHIP OF THE PANEL ON THE OFFICE'S PUBLICLY
24 ACCESSIBLE INTERNET WEBSITE AND BY TRANSMITTING
25 NOTICE OF THE MEMBERSHIP OF THE PANEL TO THE
26 LEGISLATIVE REFERENCE BUREAU FOR PUBLICATION IN
27 THE PENNSYLVANIA BULLETIN.

28 (V) WITHIN 30 DAYS OF THE EFFECTIVE DATE OF
29 THIS SUBSECTION, THE PANEL SHALL SELECT A SPECIAL
30 PROSECUTOR IN ACCORDANCE WITH THIS SECTION.

1 (VI) ALL DECISIONS OF THE PANEL SHALL BE BY
2 MAJORITY VOTE OF THE MEMBERS OF THE PANEL.

3 (VII) A MEMBER OF THE PANEL WHO PARTICIPATED
4 IN A FUNCTION CONFERRED ON THE PANEL UNDER THIS
5 SECTION INVOLVING A SPECIAL PROSECUTOR SHALL NOT
6 BE ELIGIBLE TO PARTICIPATE IN ANY JUDICIAL OR
7 DISCIPLINARY PROCEEDING CONCERNING A MATTER THAT
8 INVOLVES THE SPECIAL PROSECUTOR OR THE EXERCISE
9 OF THE SPECIAL PROSECUTOR'S OFFICIAL DUTIES,
10 NOTWITHSTANDING WHETHER THE SPECIAL PROSECUTOR IS
11 STILL SERVING IN THAT OFFICE.

12 (B) THE SPECIAL PROSECUTOR MUST:

13 (I) BE A MEMBER IN GOOD STANDING OF THE BAR
14 OF THIS COMMONWEALTH FOR A MINIMUM OF 10 YEARS.

15 (II) HAVE A MINIMUM OF FIVE YEARS OF
16 EXPERIENCE IN CRIMINAL PROSECUTIONS IN THIS
17 COMMONWEALTH.

18 (III) NOT HAVE BEEN EMPLOYED BY THE DISTRICT
19 ATTORNEY'S OFFICE IN A COUNTY OF THE FIRST CLASS
20 WITHIN SIX YEARS OF THE EFFECTIVE DATE OF THIS
21 SUBPARAGRAPH.

22 (IV) POSSESS THE CHARACTER AND FITNESS
23 COMPATIBLE WITH THE STANDARDS EXPECTED TO BE
24 OBSERVED BY MEMBERS OF THE BAR OF THIS
25 COMMONWEALTH.

26 (V) BE A RESIDENT OF THE COUNTY IN WHICH THE
27 SPECIAL PROSECUTOR SHALL SERVE.

28 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW
29 OR REGULATION, A SPECIAL PROSECUTOR SHALL HAVE THE
30 AUTHORITY TO INVESTIGATE AND PROSECUTE, AND HAS

1 JURISDICTION OVER, ANY CRIMINAL MATTER INVOLVING AN
2 ALLEGED VIOLATION OF THE LAWS OF THIS COMMONWEALTH
3 OCCURRING WITHIN A PUBLIC TRANSPORTATION AUTHORITY
4 THAT SERVES AS THE PRIMARY PROVIDER OF PUBLIC
5 PASSENGER TRANSPORTATION IN THE COUNTY OF THE FIRST
6 CLASS. THE SPECIAL PROSECUTOR'S PROSECUTORIAL
7 JURISDICTION SHALL INCLUDE THE POWER AND INDEPENDENT
8 AUTHORITY TO EXERCISE ALL INVESTIGATIVE AND
9 PROSECUTORIAL FUNCTIONS AND POWERS OF AN OFFICE OF
10 THE DISTRICT ATTORNEY OF A COUNTY OF THE FIRST CLASS
11 AND ANY OTHER OFFICER OR EMPLOYEE OF THE OFFICE OF
12 THE DISTRICT ATTORNEY IN THE COUNTY OF THE FIRST
13 CLASS. THE SPECIAL PROSECUTOR'S AUTHORITY SHALL
14 INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

15 (I) INVESTIGATIVE AND PROSECUTORIAL
16 FUNCTIONS AND POWERS SHALL INCLUDE THE FOLLOWING:

17 (A) CONDUCTING PROCEEDINGS BEFORE GRAND
18 JURIES AND OTHER INVESTIGATIONS.

19 (B) PARTICIPATING IN COURT PROCEEDINGS
20 AND ENGAGING IN ANY LITIGATION, INCLUDING
21 CIVIL AND CRIMINAL MATTERS, THAT THE SPECIAL
22 PROSECUTOR CONSIDERS NECESSARY.

23 (C) INITIATING AND CONDUCTING
24 PROSECUTIONS IN ANY COURT OF COMPETENT
25 JURISDICTION, APPEALING ANY DECISION OF A
26 COURT IN A PROCEEDING IN WHICH THE SPECIAL
27 PROSECUTOR PARTICIPATES AND HANDLING ALL
28 ASPECTS OF ANY CASE IN THE NAME OF THE
29 COMMONWEALTH.

30 (D) REVIEWING ALL DOCUMENTARY EVIDENCE

1 AVAILABLE FROM ANY SOURCE.

2 (E) MAKING APPLICATIONS TO A STATE COURT
3 FOR A GRANT OF IMMUNITY TO A WITNESS,
4 CONSISTENT WITH APPLICABLE STATUTORY
5 REQUIREMENTS, OR FOR WARRANTS, SUBPOENAS OR
6 OTHER COURT ORDERS.

7 (II) (RESERVED).

8 (D) FOR THE PURPOSES OF CARRYING OUT THE DUTIES
9 OF THE OFFICE OF SPECIAL PROSECUTOR, A SPECIAL
10 PROSECUTOR MAY USE FACILITIES, RESOURCES AND
11 PERSONNEL OF THE ATTORNEY GENERAL, INCLUDING
12 INVESTIGATORS, ATTORNEYS AND NECESSARY EXPERTS, TO
13 ASSIST WITH A CRIMINAL INVESTIGATION OR PROSECUTION.
14 A SPECIAL PROSECUTOR MAY REQUEST ASSISTANCE FROM THE
15 PENNSYLVANIA STATE POLICE IN CARRYING OUT THE
16 FUNCTIONS OF THE SPECIAL PROSECUTOR. THE PENNSYLVANIA
17 STATE POLICE SHALL PROVIDE ASSISTANCE, WHICH MAY
18 INCLUDE THE USE OF RESOURCES AND PERSONNEL NECESSARY
19 TO PERFORM THE DUTIES OF THE SPECIAL PROSECUTOR.

20 (E) A SPECIAL PROSECUTOR MAY ASSERT PREEMPTIVE
21 PROSECUTORIAL JURISDICTION OVER ANY CRIMINAL ACTIONS
22 OR PROCEEDINGS INVOLVING ALLEGED VIOLATIONS OF THE
23 LAWS OF THIS COMMONWEALTH OCCURRING WITHIN A PUBLIC
24 TRANSPORTATION AUTHORITY THAT SERVES AS THE PRIMARY
25 PROVIDER OF PUBLIC PASSENGER TRANSPORTATION IN THE
26 COUNTY OF THE FIRST CLASS. THE FOLLOWING SHALL APPLY:

27 (I) AN ASSERTION OF PREEMPTIVE PROSECUTORIAL
28 JURISDICTION UNDER THIS SECTION SHALL BE WITHIN
29 THE SOLE DISCRETION OF THE SPECIAL PROSECUTOR.

30 (II) IN CASES IN WHICH A SPECIAL PROSECUTOR

1 ASSERTS PREEMPTIVE PROSECUTORIAL JURISDICTION
2 UNDER THIS SECTION, NO OTHER PROSECUTING ENTITY
3 FOR THE COMMONWEALTH SHALL HAVE AUTHORITY TO ACT,
4 EXCEPT AS AUTHORIZED BY THE SPECIAL PROSECUTOR.

5 (III) A SPECIAL PROSECUTOR MAY NOT ASSERT
6 PREEMPTIVE PROSECUTORIAL JURISDICTION UNDER THIS
7 SECTION IN A CASE WHERE JURISDICTION ALSO EXISTS
8 IN A COUNTY OTHER THAN A COUNTY OF THE FIRST
9 CLASS UNLESS THE SPECIAL PROSECUTOR REQUESTS IN
10 WRITING TO THE DISTRICT ATTORNEY IN THE COUNTY
11 OTHER THAN THE COUNTY OF THE FIRST CLASS TO
12 ASSERT PREEMPTIVE PROSECUTORIAL JURISDICTION AND
13 THE DISTRICT ATTORNEY IN THE COUNTY OTHER THAN
14 THE COUNTY OF THE FIRST CLASS ACCEPTS THE REQUEST
15 IN WRITING.

16 (IV) WHEN A SPECIAL PROSECUTOR ASSERTS
17 PREEMPTIVE PROSECUTORIAL JURISDICTION UNDER THIS
18 CLAUSE, THE OFFICE OF THE DISTRICT ATTORNEY IN A
19 COUNTY OF THE FIRST CLASS SHALL SUSPEND ALL
20 INVESTIGATIONS AND PROCEEDINGS REGARDING THE
21 MATTER AND SHALL TURN OVER TO THE SPECIAL
22 PROSECUTOR ALL MATERIALS, FILES AND OTHER DATA
23 RELATING TO THE MATTER.

24 (V) NOTWITHSTANDING ANY OTHER LAW OR COURT
25 RULE, PRIOR APPROVAL OF THE DISTRICT ATTORNEY OF
26 A COUNTY OF THE FIRST CLASS OR AN EMPLOYEE OF THE
27 DISTRICT ATTORNEY OF A COUNTY OF THE FIRST CLASS
28 SHALL NOT BE REQUIRED PRIOR TO THE FILING OF ANY
29 CRIMINAL COMPLAINT OR ARREST WARRANT AFFIDAVIT,
30 OR BOTH, INVOLVING ANY VIOLATION OF THE LAWS OF

1 THIS COMMONWEALTH OCCURRING WITHIN A PUBLIC
2 TRANSPORTATION AUTHORITY THAT SERVES AS THE
3 PRIMARY PROVIDER OF PUBLIC PASSENGER
4 TRANSPORTATION IN THE COUNTY OF THE FIRST CLASS.

5 (F) NO PERSON CHARGED WITH A VIOLATION OF THE
6 LAW BY A SPECIAL PROSECUTOR SHALL HAVE STANDING TO
7 CHALLENGE THE AUTHORITY OF THE SPECIAL PROSECUTOR TO
8 PROSECUTE THE CASE. IF A CHALLENGE IS MADE, THE
9 CHALLENGE SHALL BE DISMISSED AND NO RELIEF SHALL BE
10 AVAILABLE IN THE COURTS OF THIS COMMONWEALTH TO THE
11 INDIVIDUAL MAKING THE CHALLENGE.

12 (G) IF A VACANCY IN OFFICE ARISES BY REASON OF
13 THE RESIGNATION, DEATH OR REMOVAL FOR ANY OTHER
14 REASON OF A SPECIAL PROSECUTOR, THE PANEL SHALL
15 APPOINT A REPLACEMENT WITHIN 30 DAYS.

16 (H) EACH LAW ENFORCEMENT AGENCY WITH
17 JURISDICTION IN A COUNTY OF THE FIRST CLASS SHALL
18 NOTIFY A SPECIAL PROSECUTOR OF ANY ARREST OR OTHER
19 CRIMINAL ACTION OR PROCEEDING INVOLVING AN ALLEGED
20 VIOLATION OF THE LAWS OF THIS COMMONWEALTH OCCURRING
21 WITHIN A PUBLIC TRANSPORTATION AUTHORITY THAT SERVES
22 AS THE PRIMARY PROVIDER OF PUBLIC PASSENGER
23 TRANSPORTATION IN THE COUNTY OF THE FIRST CLASS
24 WITHIN 48 HOURS OF THE ARREST OR OF INSTITUTING THE
25 ACTION OR PROCEEDING.

26 (I) NO NEW ACTION OR PROCEEDING MAY BE INITIATED
27 BY A SPECIAL PROSECUTOR UNDER THIS SECTION AFTER
28 DECEMBER 31, 2025. NOTICE OF FINAL DISPOSITION OF THE
29 LAST REMAINING ACTION OR PROCEEDING INITIATED UNDER
30 THIS SECTION PRIOR TO DECEMBER 31, 2025, SHALL BE

1 TRANSMITTED TO THE LEGISLATIVE REFERENCE BUREAU FOR
2 PUBLICATION IN THE PENNSYLVANIA BULLETIN.

3 (J) THE SPECIAL PROSECUTOR SHALL COMPILE REPORTS
4 RELATED TO THE CRIMINAL ACTIVITY AND ADMINISTRATIVE
5 PROCEEDINGS WITHIN A PUBLIC TRANSPORTATION AUTHORITY
6 THAT SERVES AS THE PRIMARY PROVIDER OF PUBLIC
7 PASSENGER TRANSPORTATION IN THE COUNTY OF THE FIRST
8 CLASS, TO WHICH THE FOLLOWING SHALL APPLY:

9 (I) AN INITIAL REPORT SHALL BE SUBMITTED NO
10 LATER THAN 90 DAYS FOLLOWING APPOINTMENT OF THE
11 SPECIAL PROSECUTOR. FOLLOWING THE INITIAL REPORT,
12 ANNUAL REPORTS SHALL BE SUBMITTED TO THE GENERAL
13 ASSEMBLY.

14 (II) REPORTS SHALL BE SUBMITTED TO THE
15 FOLLOWING:

16 (A) THE PRESIDENT PRO TEMPORE OF THE
17 SENATE.

18 (B) THE SPEAKER OF THE HOUSE OF
19 REPRESENTATIVES.

20 (C) THE CHAIRPERSON AND MINORITY
21 CHAIRPERSON OF THE JUDICIARY COMMITTEE OF THE
22 SENATE.

23 (D) THE CHAIRPERSON AND MINORITY
24 CHAIRPERSON OF THE JUDICIARY COMMITTEE OF THE
25 HOUSE OF REPRESENTATIVES.

26 (E) THE CHAIRPERSON AND MINORITY
27 CHAIRPERSON OF THE TRANSPORTATION COMMITTEE
28 OF THE SENATE.

29 (F) THE CHAIRPERSON AND MINORITY
30 CHAIRPERSON OF THE TRANSPORTATION COMMITTEE

1 OF THE HOUSE OF REPRESENTATIVES.

2 (III) EACH REPORT SHALL CONTAIN THE
3 FOLLOWING INFORMATION FOR THE PERIOD OF TIME
4 BETWEEN EACH REPORT:

5 (A) THE TOTAL NUMBER OF ARRESTS FOR
6 ALLEGED CRIMINAL ACTIVITY WITHIN A PUBLIC
7 TRANSPORTATION AUTHORITY THAT SERVES AS THE
8 PRIMARY PROVIDER OF PUBLIC PASSENGER
9 TRANSPORTATION IN THE COUNTY OF THE FIRST
10 CLASS.

11 (B) THE TOTAL NUMBER OF BILLS OF
12 INFORMATION FILED FOR ALLEGED VIOLATIONS
13 WITHIN A PUBLIC TRANSPORTATION AUTHORITY THAT
14 SERVES AS THE PRIMARY PROVIDER OF PUBLIC
15 PASSENGER TRANSPORTATION IN THE COUNTY OF THE
16 FIRST CLASS.

17 (C) THE TOTAL NUMBER OF CONVICTIONS
18 RESULTING FROM PROSECUTIONS BY THE SPECIAL
19 PROSECUTOR.

20 (D) EACH SENTENCE IMPOSED FOR EACH
21 CONVICTION FOR A CRIME COMMITTED WITHIN A
22 PUBLIC TRANSPORTATION AUTHORITY THAT SERVES
23 AS THE PRIMARY PROVIDER OF PUBLIC PASSENGER
24 TRANSPORTATION IN THE COUNTY OF THE FIRST
25 CLASS.

26 (IV) IF, AT ANY TIME, THE GENERAL ASSEMBLY
27 FINDS THE CONTENTS OF THE REPORT TO BE
28 UNSATISFACTORY, INCLUDING IF THE SPECIAL
29 PROSECUTOR HAS BEEN FOUND NOT TO REDUCE CRIME OR
30 RESULT IN SUCCESSFUL PROSECUTIONS, THE GENERAL

1 ASSEMBLY MAY PASS A CONCURRENT RESOLUTION IN
2 OPPOSITION OF THE REPORT. FOLLOWING ADOPTION OF
3 THE CONCURRENT RESOLUTION, THE DEPARTMENT SHALL
4 PROHIBIT THE CONSTRUCTION OF PROTECTED PEDESTRIAN
5 PLAZAS AND PEDALCYCLE LANES IN THE COUNTY OF THE
6 FIRST CLASS UNTIL THE GENERAL ASSEMBLY PASSES A
7 CONCURRENT RESOLUTION IN SUPPORT OF A SUBSEQUENT
8 REPORT.

9 (K) A COUNTY OF THE FIRST CLASS IN WHICH A
10 SPECIAL PROSECUTOR IS APPOINTED UNDER THIS
11 SUBPARAGRAPH SHALL REIMBURSE THE SPECIAL PROSECUTOR
12 AND THE OFFICE OF ATTORNEY GENERAL FOR ANY EXPENSES
13 INCURRED WHILE INVESTIGATING OR PROSECUTING AN
14 ALLEGED VIOLATION OF THE LAWS OF THIS COMMONWEALTH
15 OCCURRING WITHIN A PUBLIC TRANSPORTATION AUTHORITY
16 THAT SERVES AS THE PRIMARY PROVIDER OF PUBLIC
17 PASSENGER TRANSPORTATION IN THE COUNTY OF THE FIRST
18 CLASS. FOR REIMBURSEMENT, THE SPECIAL PROSECUTOR
19 SHALL SUBMIT AN ITEMIZED STATEMENT OF EXPENSES OF THE
20 SPECIAL PROSECUTOR AND OFFICE OF ATTORNEY GENERAL TO
21 THE TREASURER OF THE COUNTY OF THE FIRST CLASS, WHO
22 SHALL PAY THE EXPENSES FROM THE GENERAL FUNDS OF THE
23 COUNTY OF THE FIRST CLASS WITHIN 30 DAYS OF RECEIPT
24 OF THE ITEMIZED STATEMENT. REIMBURSEMENT UNDER THIS
25 SECTION MAY NOT EXCEED ACTUAL EXPENSES INCURRED IN
26 PROSECUTING ANY ACTION, INCLUDING THE AMOUNT
27 NECESSARY TO COMPENSATE THE SPECIAL PROSECUTOR.

28 (L) A SPECIAL PROSECUTOR APPOINTED UNDER THIS
29 SUBPARAGRAPH SHALL RECEIVE COMPENSATION TO BE PAID BY
30 THE OFFICE OF ATTORNEY GENERAL AT THE PER DIEM RATE

1 EQUAL TO THE ANNUAL RATE OF COMPENSATION PAYABLE TO
2 THE DISTRICT ATTORNEY OF A COUNTY OF THE FIRST CLASS.
3 A SPECIAL PROSECUTOR SHALL BE ENTITLED TO THE PAYMENT
4 OF TRAVEL EXPENSES WITHIN THIS COMMONWEALTH.

5 (M) NOTWITHSTANDING SECTION 1401(P) OF THE ACT
6 OF AUGUST 9, 1955 (P.L.323, NO.130), KNOWN AS THE
7 COUNTY CODE, DURING THE PERIOD IN WHICH A SPECIAL
8 PROSECUTOR SERVES IN A COUNTY OF THE FIRST CLASS, THE
9 COMMONWEALTH MAY NOT REIMBURSE THAT COUNTY FOR THE
10 SALARY OF THE DISTRICT ATTORNEY OF THAT COUNTY. AN
11 AMOUNT EQUAL TO THE REIMBURSEMENT THAT WOULD HAVE
12 BEEN MADE IF NO SPECIAL PROSECUTOR HAD BEEN APPOINTED
13 SHALL BE USED TO REIMBURSE THE OFFICE OF ATTORNEY
14 GENERAL FOR THE COMPENSATION OF THE SPECIAL
15 PROSECUTOR AND ANY EXPENSES INCURRED FOR THE PURPOSE
16 OF CARRYING OUT THE DUTIES OF THE SPECIAL PROSECUTOR.

17 (N) THIS SUBPARAGRAPH SHALL EXPIRE UPON
18 PUBLICATION OF THE NOTICE UNDER CLAUSE (I).

19 (O) THE COUNTY OF THE FIRST CLASS MUST COMPLY
20 WITH THIS SUBSECTION UNTIL THIS SUBPARAGRAPH EXPIRES
21 UNDER CLAUSE (N).

22 * * *

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

24 * * *

25 (2.1) Local authorities may limit access to a parking
26 space reserved under paragraph (2) to a specific vehicle,
27 license plate or other method of designation. Under this
28 paragraph, local authorities may charge a reasonable fee and
29 shall comply with section 6109 [(relating to specific powers
30 of department and local authorities)] and the Americans with

1 Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327).

2 * * *

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

14 * * *

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

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

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

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

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

27 "PANEL." THE SPECIAL PROSECUTOR SELECTION PANEL ESTABLISHED <--
28 UNDER SECTION 3354(B.1)(7)(II).

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

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

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

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

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

9 "SPECIAL PROSECUTOR." AN ATTORNEY APPOINTED BY THE PANEL IN <--
10 ACCORDANCE WITH SECTION 3354(B.1)(7)(II).

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