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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 615 Session of  
2021

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INTRODUCED BY HUTCHINSON, YAW, STEFANO, MENSCH, PITTMAN,  
MASTRIANO, BARTOLOTTA, BROOKS AND FONTANA, MAY 3, 2021

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REFERRED TO TRANSPORTATION, MAY 3, 2021

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AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, in powers of department and local authorities,  
3 further providing for specific powers of department and local  
4 authorities.

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

7 Section 1. Section 6109(a)(3) of Title 75 of the  
8 Pennsylvania Consolidated Statutes is amended and the section is  
9 amended by adding a subsection to read:

10 § 6109. Specific powers of department and local authorities.

11 (a) Enumeration of police powers.--The provisions of this  
12 title shall not be deemed to prevent the department on State-  
13 designated highways and local authorities on streets or highways  
14 within their physical boundaries from the reasonable exercise of  
15 their police powers. The following are presumed to be reasonable  
16 exercises of police power:

17 \* \* \*

18 (3) [Regulating] Subject to subsection (j), regulating  
19 or prohibiting processions, special activities or assemblages

1 on highways.

2 \* \* \*

3 (j) Permits for processions, special activities and  
4 assemblages on State-designated highways.--The department may  
5 not require, as a condition for the approval of a permit for a  
6 procession, special activity or assemblage on a State-designated  
7 highway, a local authority to submit a statement that the local  
8 authority will agree to fully indemnify, save harmless and  
9 defend the Commonwealth, Commonwealth departments and their  
10 officers, agents and employees from and against claims, suits or  
11 actions for injury, death or property damage arising from or  
12 because of the acts or omissions of its officers, agents or  
13 employees or of the sponsor of the procession, special activity  
14 or assemblage, unless all of the following conditions are met:

15 (1) The sponsor of the procession, special activity or  
16 assemblage is not the local authority.

17 (2) The sponsor will fully indemnify, save harmless and,  
18 if requested, defend the Commonwealth, Commonwealth  
19 departments, and their officers, agents and employees from  
20 and against claims, suits or actions for injury, death or  
21 property damage arising from or because of the acts or  
22 omissions of the sponsor, its officers, agents or employees.

23 (3) The sponsor names the department as an additional  
24 insured on its liability policies and the liability insurance  
25 policies are occurrence based and the insurance certificate  
26 indicates that the insurance is occurrence based.

27 (4) The sponsor agrees to reimburse the Commonwealth for  
28 all costs for police escort and traffic-control services.

29 (5) The local authority approves of the sponsor  
30 conducting the procession, special activity or assemblage.

1           (6) The local authority agrees to provide adequate  
2           detour signing or police controls for the rerouting of  
3           traffic along an alternate route, if requested by the  
4           department.

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