
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1273 Session of
2013

INTRODUCED BY D. COSTA, READSHAW, CALTAGIRONE, SCHLOSSBERG,
RAVENSTAHL, YOUNGBLOOD, V. BROWN, R. MILLER, KOTIK, ROZZI,
KORTZ, GROVE, BIZZARRO, MAHONEY, DeLUCA, KIRKLAND, GAINEY,
MOLCHANY, COHEN, MURT AND DEASY, JULY 10, 2013

REFERRED TO COMMITTEE ON TRANSPORTATION, JULY 10, 2013

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in preliminary provisions, further providing for
3 definitions; in rules of the road in general, providing for
4 solid waste collection vehicles; in miscellaneous provisions,
5 further providing for the offense of homicide by vehicle; and
6 for the offense of aggravated assault by vehicle; and in
7 lighting equipment, further providing for use and display of
8 illuminated signs.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 102 of Title 75 of the Pennsylvania
12 Consolidated Statutes is amended by adding a definition to read:

13 § 102. Definitions.

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

19 * * *

20 "Solid waste collection vehicle." A vehicle used for the

1 curbside collection of municipal solid waste.

2 * * *

3 Section 2. Title 75 is amended by adding a section to read:

4 § 3329. Solid waste collection vehicles.

5 (a) General rule.--Upon approaching and passing a stationary
6 solid waste collection vehicle that is giving a visual signal by
7 means of flashing, rotating or oscillating lights as required
8 under section 4307(d.1) (relating to use and display of
9 illuminated signs), the driver of an approaching vehicle shall
10 reduce to and maintain a safe speed for weather, road conditions
11 and vehicular or pedestrian traffic and proceed with due care
12 and caution.

13 (b) Penalty.--Any person violating subsection (a) commits a
14 summary offense and shall, upon conviction, pay a fine of not
15 more than \$250.

16 (c) Fines to be doubled.--In addition to any penalty as
17 provided in subsection (b), the fine for any of the following
18 violations committed in an area where sanitation workers are at
19 risk from traffic and the operator knows or should know that
20 sanitation workers are present shall be double the usual amount:

21 Section 3102 (relating to obedience to authorized
22 persons directing traffic).

23 Section 3111 (relating to obedience to traffic-
24 control devices).

25 Section 3112 (relating to traffic-control signals).

26 Section 3114 (relating to flashing signals).

27 Section 3302 (relating to meeting vehicle proceeding
28 in opposite direction).

29 Section 3303 (relating to overtaking vehicle on the
30 left).

1 Section 3304 (relating to overtaking vehicle on the
2 right).

3 Section 3305 (relating to limitations on overtaking
4 on the left).

5 Section 3306 (relating to limitations on driving on
6 left side of roadway).

7 Section 3307 (relating to no-passing zones).

8 Section 3309 (relating to driving on roadways laned
9 for traffic).

10 Section 3310 (relating to following too closely).

11 Section 3323 (relating to stop signs and yield
12 signs).

13 Section 3326 (relating to duty of driver in
14 construction and maintenance areas).

15 Section 3361 (relating to driving vehicle at safe
16 speed).

17 Section 3362 (relating to maximum speed limits).

18 Section 3702 (relating to limitations on backing).

19 Section 3714 (relating to careless driving).

20 Section 3736 (relating to reckless driving).

21 Section 3802 (relating to driving under influence of
22 alcohol or controlled substance).

23 (d) Reports by solid waste collection workers.--

24 (1) A solid waste collection worker observing a
25 violation of subsection (a) may prepare a written, signed
26 report which indicates that a violation has occurred. To the
27 extent possible, the report shall include the following
28 information:

29 (i) Information pertaining to the identity of the
30 alleged violator.

1 (ii) The license number and color of the vehicle
2 involved in the violation.

3 (iii) The time and approximate location at which the
4 violation occurred.

5 (iv) Identification of the vehicle as an automobile,
6 station wagon, motor truck, motor bus, motorcycle or
7 other type of vehicle.

8 (2) Within 48 hours after the violation occurs, the
9 solid waste collection worker shall deliver a copy of the
10 report to a police officer having authority to exercise
11 police power in the area where the violation occurred. If the
12 police officer believes that the report established a
13 sufficient basis for the issuance of a citation, the officer
14 shall file a citation and a copy of the report with the
15 issuing authority. If the issuing authority determines that
16 the report and citation establish a sufficient basis for the
17 issuance of a summons, a summons shall be issued in
18 accordance with general rules governing the institution of
19 proceedings in summary traffic offense cases. The issuing
20 authority shall send the defendant a copy of the citation,
21 together with a statement that it was filed by the police
22 officer named in the citation on the basis of information
23 received.

24 (3) A person may institute a proceeding pursuant to this
25 subsection or in accordance with any means authorized by the
26 Pennsylvania Rules of Criminal Procedure.

27 Section 3. Sections 3732(b) and 3732.1(b) of Title 75 are
28 amended to read:

29 § 3732. Homicide by vehicle.

30 * * *

1 (b) Sentencing--

2 (1) In addition to any other penalty provided by law, a
3 person convicted of a violation of subsection (a) may be
4 sentenced to an additional term not to exceed five years'
5 confinement if at trial the prosecution proves beyond a
6 reasonable doubt that the offense occurred in an active work
7 zone.

8 (1.1) In addition to any other penalty provided by law,
9 a person convicted of a violation of subsection (a) as the
10 result of a violation of section 3325 (relating to duty of
11 driver on approach of emergency vehicle) [or], 3327 (relating
12 to duty of driver in emergency response areas) or 3329(a)
13 (relating to solid waste collection vehicles) and who is
14 convicted of violating section 3325 [or], 3327 or 3329(a) may
15 be sentenced to an additional term not to exceed five years'
16 confinement when the violation resulted in death.

17 (2) The prosecution must indicate intent to proceed
18 under this section in the indictment or information which
19 commences the prosecution.

20 (3) The Pennsylvania Commission on Sentencing, pursuant
21 to 42 Pa.C.S. § 2154 (relating to adoption of guidelines for
22 sentencing), shall provide for a sentencing enhancement for
23 an offense under this section when the violation occurred in
24 an active work zone or was the result of a violation of
25 section 3325 [or], 3327 or 3329(a).

26 § 3732.1. Aggravated assault by vehicle.

27 * * *

28 (b) Sentencing.--

29 (1) In addition to any other penalty provided by law, a
30 person convicted of a violation of subsection (a) may be

1 sentenced to an additional term not to exceed two years'
2 confinement if at trial the prosecution proves beyond a
3 reasonable doubt that the offense occurred in an active work
4 zone.

5 (2) In addition to any other penalty provided by law, a
6 person convicted of a violation of subsection (a) as the
7 result of a violation of section 3325 (relating to duty of
8 driver on approach of emergency vehicle) [or] 3327 (relating
9 to duty of driver in emergency response areas) or 3329(a)
10 (relating to solid waste collection vehicles) and who is
11 convicted of violating section 3325 [or] 3327 or 3329(a) may
12 be sentenced to an additional term not to exceed two years'
13 confinement when the violation resulted in serious bodily
14 injury.

15 (3) The prosecution must indicate intent to proceed
16 under this section in the indictment or information which
17 commences the prosecution.

18 (4) The Pennsylvania Commission on Sentencing, under 42
19 Pa.C.S. § 2154 (relating to adoption of guidelines for
20 sentencing), shall provide for a sentencing enhancement for
21 an offense under this section when the violation occurred in
22 an active work zone or was the result of a violation of
23 section 3325 [or] 3327 or 3329(a).

24 Section 4. Section 4307 of Title 75 is amended by adding a
25 subsection to read:

26 § 4307. Use and display of illuminated signs.

27 * * *

28 (d.1) Solid waste collection vehicle.--A solid waste
29 collection vehicle shall be equipped with flashing, rotating or
30 oscillating lights that can be seen by traffic moving in both

1 directions.

2 * * *

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