
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1345 Session of
2020

INTRODUCED BY IOVINO, FONTANA, SANTARSIERO AND FARNESE,
OCTOBER 5, 2020

REFERRED TO TRANSPORTATION, OCTOBER 5, 2020

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in rules of the road in general, further providing
3 for duty of driver in emergency response areas; in offenses
4 in general, further providing for the offenses of careless
5 driving; and making editorial changes.

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

8 Section 1. Sections 3327, 3714(a), 3732(b)(1.1) and
9 3732.1(b)(2) of Title 75 of the Pennsylvania Consolidated
10 Statutes are amended to read:

11 § 3327. Duty of driver in emergency response areas and in
12 relation to disabled vehicles.

13 (a) [General rule] Emergency response areas.--When
14 approaching or passing an emergency response area, a person,
15 unless otherwise directed by an emergency service responder,
16 shall:

17 (1) pass in a lane not adjacent to that of the emergency
18 response area, if possible; or

19 (2) if passing in a nonadjacent lane is impossible,

1 illegal or unsafe, pass the emergency response area at a
2 [careful and prudent reduced] speed of no more than 20 miles
3 per hour less than the posted speed limit and reasonable for
4 safely passing the emergency response area.

5 (a.1) Disabled vehicles.--When approaching or passing a
6 disabled vehicle, a person, unless otherwise directed by an
7 emergency service responder, shall:

8 (1) pass in a lane not adjacent to that of the emergency
9 response area, if possible; or

10 (2) if passing in a nonadjacent lane is impossible,
11 illegal or unsafe, pass the emergency response area at a
12 careful and prudent reduced speed reasonable for safely
13 passing the emergency response area.

14 (a.2) Penalty.--

15 (1) Any person violating subsection (a) commits a
16 summary offense and shall, upon conviction, pay:

17 (i) For a first offense, a fine of not more than
18 \$250.

19 (ii) For a second offense, a fine of not more than
20 \$500.

21 (iii) For a third or subsequent offense, a fine of
22 not more than \$1,000.

23 (2) Any person violating subsection (a.1) commits a
24 summary offense and shall, upon conviction, pay:

25 (i) For a first offense, a fine of not more than
26 \$500.

27 (ii) For a second offense, a fine of not more than
28 \$1,000.

29 (iii) For a third or subsequent offense, a fine of
30 not more than \$2,000.

1 [(b) Penalty.--Any person violating subsection (a) commits a
2 summary offense and shall, upon conviction, pay:

3 (1) For a first offense, a fine of not more than \$250.

4 (2) For a second offense, a fine of not more than \$500.

5 (3) For a third or subsequent offense, a fine of not
6 more than \$1,000.]

7 (b.1) Suspension of operating privilege.--

8 (1) Except as otherwise provided in paragraph (2), in
9 accordance with section 1540 (relating to surrender of
10 license), the department shall suspend the operating
11 privilege of any person for 90 days upon receiving a
12 certified record of the driver's conviction, adjudication of
13 delinquency or admission into an Accelerated Rehabilitative
14 Disposition program or a preadjudication program for a
15 violation of subsection (a) or (a.1), if the certified
16 conviction:

17 (i) indicates the violation resulted in serious
18 bodily injury to or death of another person; or

19 (ii) is the driver's third or subsequent conviction
20 for a violation of subsection (a).

21 (2) Upon receiving a certified record of the driver's
22 conviction, adjudication of delinquency or admission into an
23 Accelerated Rehabilitative Disposition program or a
24 preadjudication program for a violation of subsection (a), in
25 accordance with section 1540, the department shall suspend
26 the operating privilege of the driver in accordance with the
27 following:

28 (i) For a period of six months if the certified
29 conviction, adjudication of delinquency or admission into
30 an Accelerated Rehabilitative Disposition program or a

1 preadjudication program indicates the violation resulted
2 in the serious bodily injury of an emergency service
3 responder.

4 (ii) For a period of one year if the certified
5 conviction, adjudication of delinquency or admission into
6 an Accelerated Rehabilitative Disposition program or a
7 preadjudication program indicates the violation resulted
8 in the death of an emergency service responder.

9 (iii) For a period of one year if the violation
10 under subsection (a.1) results in death or serious bodily
11 injury.

12 (b.2) Penalties for bodily injury or death in emergency
13 response areas.--In addition to any other penalty prescribed by
14 law, a driver who violates [this section] subsection (a) and
15 causes bodily injury to, serious bodily injury to or the death
16 of an emergency service responder or another person commits an
17 offense and shall, upon conviction, as follows:

18 (1) For causing bodily injury as defined in 18 Pa.C.S. §
19 2301 (relating to definitions), pay a fine of not more than
20 \$1,000.

21 (2) For causing serious bodily injury, pay a fine of not
22 more than \$5,000.

23 (3) For causing death, pay a fine of not more than
24 \$10,000.

25 (b.3) Penalties for bodily injury or death in relation to
26 disabled vehicles.--In addition to any other penalty prescribed
27 by law, a driver who violates subsection (a.1) and causes bodily
28 injury to, serious bodily injury to or the death of another
29 person commits an offense graded as follows:

30 (1) For causing bodily injury as defined in 18 Pa.C.S. §

1 2301, a misdemeanor of the third degree.

2 (2) For causing serious bodily injury as defined in 18
3 Pa.C.S. § 2301, a misdemeanor of the second degree.

4 (3) For causing death, a misdemeanor of the first
5 degree.

6 (c) Marking.--

7 (1) An emergency response area shall be clearly marked
8 with road flares, caution signs or any other traffic-control
9 device which law enforcement officials may have at their
10 immediate disposal or visual signals on vehicles meeting the
11 requirements of Subchapter D of Chapter 45 (relating to
12 equipment of authorized and emergency vehicles).

13 (2) A disabled vehicle shall use at least two of the
14 following markings:

15 (i) Vehicular hazard signal lamps as provided in
16 section 4305 (relating to vehicular hazard signal lamps).

17 (ii) Caution signs or other traffic control device.

18 (iii) Road flares.

19 (d) Reports by emergency service responders.--

20 (1) An emergency service responder observing a violation
21 of subsection (a) or (a.1) may prepare a written, signed
22 report which indicates that a violation has occurred. To the
23 extent possible, the report shall include the following
24 information:

25 (i) Information pertaining to the identity of the
26 alleged violator.

27 (ii) The license number and color of the vehicle
28 involved in the violation.

29 (iii) The time and approximate location at which the
30 violation occurred.

1 (iv) Identification of the vehicle as an automobile,
2 station wagon, motor truck, motor bus, motorcycle or
3 other type of vehicle.

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

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

23 (e) [Fines] Penalties to be doubled.--

24 (1) In addition to any penalty as provided in
25 subsections (b) and (b.2), the fine for any of the following
26 violations when committed in an emergency response area
27 manned by emergency service responders shall be double the
28 usual amount:

29 Section 3102 (relating to obedience to authorized persons
30 directing traffic).

1 Section 3111 (relating to obedience to traffic-control
2 devices).

3 Section 3114 (relating to flashing signals).

4 Section 3302 (relating to meeting vehicle proceeding in
5 opposite direction).

6 Section 3303 (relating to overtaking vehicle on the
7 left).

8 Section 3304 (relating to overtaking vehicle on the
9 right).

10 Section 3305 (relating to limitations on overtaking on
11 the left).

12 Section 3306 (relating to limitations on driving on left
13 side of roadway).

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

15 Section 3310 (relating to following too closely).

16 Section 3312 (relating to limited access highway
17 entrances and exits).

18 Section 3323 (relating to stop signs and yield signs).

19 Section 3325 (relating to duty of driver on approach of
20 emergency vehicle).

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

22 Section 3707 (relating to driving or stopping close to
23 fire apparatus).

24 Section 3710 (relating to stopping at intersection or
25 crossing to prevent obstruction).

26 Section 3714 (relating to careless driving).

27 Section 3736 (relating to reckless driving).

28 Section 3802 (relating to driving under influence of
29 alcohol or controlled substance).

30 (2) In addition to any penalty as provided in

1 subsections (a.2) and (b.2), the penalty for a violation of
2 subsections (a) and (a.1) shall be doubled for a second or
3 subsequent offense.

4 (e.1) Public awareness.--The department shall educate the
5 public of the provisions of this section [as it deems
6 appropriate] periodically throughout the year and maintain
7 information on the department's publicly accessible Internet
8 website. The department shall refer to the education effort as
9 the "Move Over" campaign.

10 (f) [Definition.--As used in this section, the term
11 "emergency response area" means any of the following:]
12 Definitions.--As used in this section, the following words and
13 phrases shall have the meanings given to them in this subsection
14 unless the context clearly indicates otherwise:

15 "Disabled vehicle." A vehicle that is in a traffic lane or
16 on the side of a traffic lane and is clearly marked with at
17 least two of the markings specified in subsection (c)(2).

18 "Emergency response area." Any of the following:

19 (1) The area in which emergency service responders
20 render emergency assistance to individuals on or near a
21 roadway or a police officer is conducting a traffic stop or
22 systematic check of vehicles or controlling or directing
23 traffic as long as the emergency vehicle is making use of
24 visual signals meeting the requirements of Subchapter D of
25 Chapter 45.

26 (2) The area in which contractors or employees of a
27 public utility, a municipally owned utility or an electric
28 cooperative provide disaster emergency-related services,
29 including, but not limited to, the repair, renovation,
30 installation, construction and activities related to damaged,

1 impaired or destroyed infrastructure, within the first 72
2 hours after a declared emergency or until the expiration of a
3 declared emergency, whichever is later, as long as the
4 vehicles used to provide disaster emergency-related services
5 are making use of visual signals as authorized under section
6 4572(b) (relating to visual signals on authorized vehicles).
7 § 3714. Careless driving.

8 (a) General rule.--Any person who drives a vehicle in
9 careless disregard for the safety of persons or property in
10 violation of section 3327(a.1) (relating to duty of driver in
11 emergency response area and in relation to disabled vehicles) is
12 guilty of careless driving, a summary offense.

13 * * *

14 § 3732. Homicide by vehicle.

15 * * *

16 (b) Sentencing.--

17 * * *

18 (1.1) In addition to any other penalty provided by law,
19 a person convicted of a violation of subsection (a) who is
20 also convicted of a violation of section 1501 (relating to
21 drivers required to be licensed), 1543 (relating to driving
22 while operating privilege is suspended or revoked), 3316
23 (relating to prohibiting text-based communications), 3325
24 (relating to duty of driver on approach of emergency vehicle)
25 or 3327 (relating to duty of driver in emergency response
26 areas and in relation to disabled vehicles) may be sentenced
27 to an additional term not to exceed five years' confinement.

28 * * *

29 § 3732.1. Aggravated assault by vehicle.

30 * * *

1 (b) Sentencing.--

2 * * *

3 (2) In addition to any other penalty provided by law, a
4 person convicted of a violation of subsection (a) who is also
5 convicted of a violation of section 1501 (relating to drivers
6 required to be licensed), 1543 (relating to driving while
7 operating privilege is suspended or revoked), 3316 (relating
8 to prohibiting text-based communications), 3325 (relating to
9 duty of driver on approach of emergency vehicle) or 3327
10 (relating to duty of driver in emergency response areas and
11 in relation to disabled vehicles) may be sentenced to an
12 additional term not to exceed two years' confinement.

13 * * *

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