
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1707 Session of
2023

INTRODUCED BY MARSHALL, CIRESI AND JAMES, SEPTEMBER 22, 2023

REFERRED TO COMMITTEE ON TRANSPORTATION, SEPTEMBER 22, 2023

AN ACT

1 Providing for enhanced penalties for offenses in active work
2 zones and for duties of law enforcement agencies; and
3 establishing the Work Zone Safety Fund.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Work Zone
8 Safety Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Active work zone." The portion of a work zone where
14 construction, maintenance or utility workers are located on the
15 roadway, berm or shoulder.

16 "Commission." The Pennsylvania Public Utility Commission.

17 "Department." The Department of Transportation of the
18 Commonwealth.

19 "Fund." The Work Zone Safety Fund established under section

1 5(a).

2 "Highway." The entire width between the boundary lines of a
3 publicly maintained way if any part of the way is open to the
4 use of the public for the purpose of vehicular travel.

5 "Law enforcement agency." An agency in this Commonwealth
6 that is the employer of a law enforcement officer.

7 "Law enforcement officer." The term shall have the same
8 meaning as the term "peace officer" under 18 Pa.C.S. § 501
9 (relating to definitions).

10 "Municipality." A county, city, borough, incorporated town
11 or township.

12 "Roadway." The portion of a highway improved, designed or
13 ordinarily used for vehicular travel, exclusive of the sidewalk,
14 berm or shoulder.

15 "Work zone." The area of a roadway or highway where
16 construction, maintenance or utility work activities are being
17 conducted which is properly signed as a work zone in accordance
18 with the regulations of the department, commission or
19 municipality.

20 Section 3. Enhanced penalties for offenses in active work
21 zones.

22 (a) Imposition.--Notwithstanding any other provision of law,
23 and in addition to the penalties imposed under 75 Pa.C.S.
24 (relating to vehicles), the department shall impose the enhanced
25 penalties as specified under subsection (b) on an individual for
26 an offense under any of the following provisions of 75 Pa.C.S.
27 that is corroborated by no less than two witnesses or a body
28 camera, dash camera or roadside camera and occurs in an active
29 work zone:

30 Section 3102 (relating to obedience to authorized persons

1 directing traffic).

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

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

5 Section 3114 (relating to flashing signals).

6 Section 3302 (relating to meeting vehicle proceeding in
7 opposite direction).

8 Section 3303 (relating to overtaking vehicle on the
9 left).

10 Section 3304 (relating to overtaking vehicle on the
11 right).

12 Section 3305 (relating to limitations on overtaking on
13 the left).

14 Section 3306 (relating to limitations on driving on left
15 side of roadway).

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

17 Section 3309 (relating to driving on roadways laned for
18 traffic).

19 Section 3310 (relating to following too closely).

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

21 Section 3326 (relating to duty of driver in construction
22 and maintenance areas or on highway safety corridors).

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

24 Section 3362 (relating to maximum speed limits).

25 Section 3702 (relating to limitations on backing).

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 (b) Enhanced penalties.--The department shall impose

1 enhanced penalties on an individual who commits an offense
2 specified under subsection (a) as follows:

3 (1) For a first offense, an additional assessment of two
4 points on the offender's driver's license under 75 Pa.C.S. §
5 1535 (relating to schedule of convictions and points), a \$400
6 fine and a mandatory completion of a department-approved
7 driving safety course.

8 (2) For a second offense, an additional driver's license
9 suspension of 90 days, an \$800 fine and a mandatory
10 completion of a department-administered driving safety
11 course.

12 (3) For a third offense, an additional driver's license
13 suspension of one year, a \$1,200 fine and a mandatory
14 completion of a department-administered driving safety
15 course.

16 (4) If the offender contacts a construction worker or
17 construction equipment with a vehicle, an additional driver's
18 license suspension of six months and a mandatory completion
19 of a department-administered driving safety course.

20 (c) Construction.--Nothing in this section shall be
21 construed to impose a penalty for an offense under subsection
22 (a) that is less severe than a penalty imposed for the same
23 offense under any other law of this Commonwealth.

24 Section 4. Duties of law enforcement agencies.

25 A law enforcement agency shall investigate a potential
26 offense under section 3(a) and collect site materials in the
27 active work zone where the potential offense occurred, including
28 signs or cones, for the purpose of conducting an investigation
29 under this section.

30 Section 5. Work Zone Safety Fund.

1 (a) Establishment.--The Work Zone Safety Fund is established
2 as a fund in the State Treasury.

3 (b) Deposits.--Fees received from the enhanced penalties
4 imposed under section 3(b) shall be deposited into the fund.

5 (c) Appropriation.--Money deposited into the fund is
6 appropriated on a continuing basis to the department.

7 (d) Allocation.--Subject to availability, the department
8 shall allocate the money appropriated from the fund as follows:

9 (1) Fifty percent of the money shall be used to
10 implement a department-administered driving safety course
11 under section 3(b).

12 (2) Fifty percent of the money shall be used to
13 reimburse law enforcement agencies for the costs incurred to
14 investigate potential offenses under section 3(a).

15 Section 6. Regulations.

16 The department may promulgate regulations necessary to
17 implement this act.

18 Section 7. Effective date.

19 This act shall take effect in 60 days.