

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 337 Session of 2017

INTRODUCED BY D. COSTA, CALTAGIRONE, MURT, READSHAW, KULIK,
D. MILLER AND JOZWIAK, FEBRUARY 3, 2017

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 3, 2017

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
21 curbside collection of municipal solid waste.

1 * * *

2 Section 2. Title 75 is amended by adding a section to read:
3 § 3329. Solid waste collection vehicles.

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

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

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

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

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

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

25 Section 3114 (relating to flashing signals).

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

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

30 Section 3304 (relating to overtaking vehicle on the

1 right).

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

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

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

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

9 Section 3310 (relating to following too closely).

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

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

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

30 (ii) The license number and color of the vehicle

1 involved in the violation.

2 (iii) The time and approximate location when the
3 violation occurred.

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

7 (2) Within 48 hours after the violation occurs, the
8 solid waste collection worker shall deliver a copy of the
9 report to a police officer having authority to exercise
10 police power in the area where the violation occurred subject
11 to the following:

12 (i) If the police officer believes that the report
13 establishes a sufficient basis for the issuance of a
14 citation, the officer shall file a citation and a copy of
15 the report with the issuing authority.

16 (ii) If the issuing authority determines that the
17 report and citation establish a sufficient basis for the
18 issuance of a summons, a summons shall be issued in
19 accordance with general rules governing the institution
20 of proceedings in summary traffic offense cases.

21 (iii) The issuing authority shall send the defendant
22 a copy of the citation, together with a statement that it
23 was filed by the police officer named in the citation on
24 the basis of information received.

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

28 Section 3. Sections 3732(b) and 3732.1(b) of Title 75,
29 amended November 4, 2016 (P.L.1277, No.165), are amended to
30 read:

1 § 3732. Homicide by vehicle.

2 * * *

3 (b) Sentencing.--

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

10 (1.1) In addition to any other penalty provided by law,
11 a person convicted of a violation of subsection (a) as the
12 result of a violation of section 3316 (relating to
13 prohibiting text-based communications), 3325 (relating to
14 duty of driver on approach of emergency vehicle) [or] 3327
15 (relating to duty of driver in emergency response areas) or
16 3329(a) (relating to solid waste collection vehicles) and who
17 is convicted of violating section 3316, 3325 [or] 3327 or
18 3329(a) may be sentenced to an additional term not to exceed
19 five years' confinement when the violation resulted in death.

20 (2) The prosecution must indicate intent to proceed
21 under this section in the indictment or information which
22 commences the prosecution.

23 (3) The Pennsylvania Commission on Sentencing, pursuant
24 to 42 Pa.C.S. § 2154 (relating to adoption of guidelines for
25 sentencing), shall provide for a sentencing enhancement for
26 an offense under this section when the violation occurred in
27 an active work zone or was the result of a violation of
28 section 3316, 3325 [or] 3327 or 3329(a).

29 § 3732.1. Aggravated assault 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 two 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 (2) In addition to any other penalty provided by law, a
9 person convicted of a violation of subsection (a) as the
10 result of a violation of section 3316 (relating to
11 prohibiting text-based communications), 3325 (relating to
12 duty of driver on approach of emergency vehicle) [or] 3327
13 (relating to duty of driver in emergency response areas) or
14 3329(a) (relating to solid waste collection vehicles) and who
15 is convicted of violating section 3316, 3325 [or] 3327 or
16 3329(a) may be sentenced to an additional term not to exceed
17 two years' confinement when the violation resulted in serious
18 bodily injury.

19 (3) The prosecution must indicate intent to proceed
20 under this section in the indictment or information which
21 commences the prosecution.

22 (4) The Pennsylvania Commission on Sentencing, under 42
23 Pa.C.S. § 2154 (relating to adoption of guidelines for
24 sentencing), shall provide for a sentencing enhancement for
25 an offense under this section when the violation occurred in
26 an active work zone or was the result of a violation of
27 section 3316, 3325 [or] 3327 or 3329(a).

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

30 § 4307. Use and display of illuminated signs.

1 * * *

2 (d.1) Solid waste collection vehicle.--A solid waste
3 collection vehicle shall be equipped with flashing, rotating or
4 oscillating lights that can be seen by traffic moving in both
5 directions.

6 * * *

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