

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1281 Session of 2020

INTRODUCED BY MASTRIANO, K. WARD, ARGALL, ARNOLD, BROOKS, DISANTO, HUTCHINSON, MARTIN, MENSCH, PHILLIPS-HILL, YUDICHAK, J. WARD, BAROLOTTA, REGAN, L. WILLIAMS, BAKER AND IOVINO, AUGUST 31, 2020

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 20, 2020

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in licensing of drivers, further providing for
3 schedule of convictions and points; and, in rules of the road <--
4 in general, further providing for duty of driver in emergency
5 response areas; AND, IN OFFENSES IN GENERAL, FURTHER <--
6 PROVIDING FOR THE OFFENSES OF HOMICIDE BY VEHICLE AND OF
7 AGGRAVATED ASSAULT BY VEHICLE.

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

10 Section 1. Sections 1535(a) and 3327(a), (b) and (e.1), <--
11 3327, 3732(B)(1.1) AND 3732.1(B)(2) of Title 75 of the
12 Pennsylvania Consolidated Statutes are amended to read:

13 § 1535. Schedule of convictions and points.

14 (a) General rule.--A point system for driver education and
15 control is hereby established which is related to other
16 provisions for use, suspension and revocation of the operating
17 privilege as specified under this title. Every driver licensed
18 in this Commonwealth who is convicted of any of the following

1 offenses shall be assessed points as of the date of violation in
2 accordance with the following schedule:

3	Section Number	Offense	Points
4	1512	Violation of restriction on	
5		driver's license.	2
6	1571	Violation concerning license.	3
7	3102	Failure to obey policeman or	
8		authorized person.	2
9	3111.1	Obedience to traffic-control	
10		devices warning of hazardous	
11		conditions.	2
12	3112(a)(3)(i)	Failure to stop for a red	
13	or (ii)	light.	3
14	3114(a)(1)	Failure to stop for a flashing	
15		red light.	3
16	3302	Failure to yield half of	
17		roadway to oncoming vehicle.	3
18	3303	Improper passing.	3
19	3304	Other improper passing.	3
20	3305	Other improper passing.	3
21	3306(a)(1)	Other improper passing.	4
22	3306(a)(2)	Other improper passing.	3
23	3306(a)(3)	Other improper passing.	3
24	3307	Other improper passing.	3
25	3310	Following too closely.	3
26	3321	Failure to yield to driver on	
27		the right at intersection.	3
28	3322	Failure to yield to oncoming	
29		driver when making left turn.	3
30	3323(b)	Failure to stop for stop sign.	3

1	3323(c)	Failure to yield at yield		
2		sign.	3	
3	3324	Failure to yield when entering		
4		or crossing roadway between		
5		intersections.	3	
6	<u>3327(a) OR</u>	Failure to move over in		<--
7	<u>(A.1)</u>	emergency response area. DUTY	<u>2</u>	<--
8		<u>OF DRIVER IN EMERGENCY</u>		
9		<u>RESPONSE AREA AND IN RELATION</u>		
10		<u>TO DISABLED VEHICLES.</u>		
11	3332	Improper turning around.	3	
12	3341(a)	Failure to obey signal		
13		indicating approach of train.	2	
14	3341(b)	Failure to comply with		
15		crossing gate or barrier.	4	
16		(and 30 days' suspension)		
17	3342(b) or (e)	Failure to stop at railroad		
18		crossings.	4	
19	3344	Failure to stop when entering		
20		from alley, driveway or		
21		building.	3	
22	3345(a)	Failure to stop for school bus		
23		with flashing red lights.	5	
24		(and 60 days' suspension)		
25	3361	Driving too fast for		
26		conditions.	2	
27	3362	Exceeding maximum speed.--Over		
28		Limit:		
29		6-10	2	
30		11-15	3	

1		16-25	4
2		26-30	5
3		31-over	5
4		(and departmental hearing	
5		and sanctions provided	
6		under section 1538(d))	
7	3365 (b)	Exceeding special speed limit	
8		in school zone.	3
9		(and 60 days' suspension	
10		for a second or subsequent	
11		offense)	
12	3365 (c)	Exceeding special speed limit	
13		for trucks on downgrades.	3
14	3542 (a)	Failure to yield to pedestrian	
15		in crosswalk.	2
16	3547	Failure to yield to pedestrian	
17		on sidewalk.	3
18	3549 (a)	Failure to yield to blind	
19		pedestrian.	3
20	3702	Improper backing.	3
21	3714 (a)	Careless driving.	3
22	3745	Leaving scene of accident	
23		involving property damage	
24		only.	4

25 * * *

26 § 3327. Duty of driver in emergency response areas AND IN <--
 27 RELATION TO DISABLED VEHICLES.

28 (a) **[General rule]** EMERGENCY RESPONSE AREAS.--When <--
 29 approaching or passing an emergency response area, a person,
 30 unless otherwise directed by an emergency service responder,

1 shall:

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

4 (2) if passing in a nonadjacent lane is impossible,
5 illegal or unsafe, pass the emergency response area at a
6 [careful and prudent reduced] speed to no more than 20 miles
7 per hour less than the posted speed limit and reasonable for
8 safely passing the emergency response area.

9 ~~(b) Penalty. Any person violating subsection (a) commits a~~ <--
10 ~~summary offense and shall, upon conviction, pay:~~

11 ~~(1) For a first offense, a fine of [not more than \$250]~~
12 ~~\$500.~~

13 ~~(2) For a second offense, a fine of [not more than \$500]~~
14 ~~\$1,000.~~

15 ~~(3) For a third or subsequent offense, a fine of [not~~
16 ~~more than \$1,000] \$2,000.~~

17 * * *

18 (A.1) DISABLED VEHICLES.--WHEN APPROACHING OR PASSING A <--
19 DISABLED VEHICLE, A PERSON SHALL:

20 (1) IF IT IS POSSIBLE TO DO SO, PASS IN A LANE NOT
21 ADJACENT TO THAT OF THE DISABLED VEHICLE; OR

22 (2) IF IT IS IMPOSSIBLE, ILLEGAL OR UNSAFE, TO COMPLY
23 WITH PARAGRAPH (1), PASS THE DISABLED VEHICLE AT A RATE OF
24 SPEED THAT IS NO MORE THAN 20 MILES PER HOUR LESS THAN THE
25 POSTED SPEED LIMIT AND REASONABLE FOR SAFELY PASSING THE
26 DISABLED VEHICLE.

27 (B) PENALTY.--ANY PERSON VIOLATING SUBSECTION (A) OR
28 (A.1) COMMITS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION,
29 PAY:

30 (1) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN [\$250]

1 \$500.

2 (2) FOR A SECOND OFFENSE, A FINE OF NOT MORE THAN [\$500]
3 \$1,000.

4 (3) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE OF NOT
5 MORE THAN [\$1,000] \$2,000.

6 (B.1) SUSPENSION OF OPERATING PRIVILEGE.--

7 (1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2), IN
8 ACCORDANCE WITH SECTION 1540 (RELATING TO SURRENDER OF
9 LICENSE), THE DEPARTMENT SHALL SUSPEND THE OPERATING
10 PRIVILEGE OF ANY PERSON FOR 90 DAYS UPON RECEIVING A
11 CERTIFIED RECORD OF THE DRIVER'S CONVICTION, ADJUDICATION OF
12 DELINQUENCY OR ADMISSION INTO AN ACCELERATED REHABILITATIVE
13 DISPOSITION PROGRAM OR A PREADJUDICATION PROGRAM FOR A
14 VIOLATION OF SUBSECTION (A) OR (A.1), IF THE CERTIFIED
15 CONVICTION:

16 (I) INDICATES THE VIOLATION RESULTED IN SERIOUS
17 BODILY INJURY TO OR DEATH OF ANOTHER PERSON; OR

18 (II) IS THE DRIVER'S THIRD OR SUBSEQUENT CONVICTION
19 FOR A VIOLATION OF SUBSECTION (A) OR (A.1).

20 (2) UPON RECEIVING A CERTIFIED RECORD OF THE DRIVER'S
21 CONVICTION, ADJUDICATION OF DELINQUENCY OR ADMISSION INTO AN
22 ACCELERATED REHABILITATIVE DISPOSITION PROGRAM OR A
23 PREADJUDICATION PROGRAM FOR A VIOLATION OF SUBSECTION (A) OR
24 (A.1), IN ACCORDANCE WITH SECTION 1540, THE DEPARTMENT SHALL
25 SUSPEND THE OPERATING PRIVILEGE OF THE DRIVER IN ACCORDANCE
26 WITH THE FOLLOWING:

27 (I) FOR A PERIOD OF SIX MONTHS IF THE CERTIFIED
28 CONVICTION, ADJUDICATION OF DELINQUENCY OR ADMISSION INTO
29 AN ACCELERATED REHABILITATIVE DISPOSITION PROGRAM OR A
30 PREADJUDICATION PROGRAM INDICATES THE VIOLATION RESULTED

1 IN THE SERIOUS BODILY INJURY OF AN EMERGENCY SERVICE
2 RESPONDER OR A PERSON IN OR NEAR A DISABLED VEHICLE.

3 (II) FOR A PERIOD OF ONE YEAR IF THE CERTIFIED
4 CONVICTION, ADJUDICATION OF DELINQUENCY OR ADMISSION INTO
5 AN ACCELERATED REHABILITATIVE DISPOSITION PROGRAM OR A
6 PREADJUDICATION PROGRAM INDICATES THE VIOLATION RESULTED
7 IN THE DEATH OF AN EMERGENCY SERVICE RESPONDER OR A
8 PERSON IN OR NEAR A DISABLED VEHICLE.

9 (B.2) PENALTIES FOR BODILY INJURY OR DEATH IN EMERGENCY
10 RESPONSE AREAS.--IN ADDITION TO ANY OTHER PENALTY PRESCRIBED BY
11 LAW, A DRIVER WHO VIOLATES [THIS SECTION] SUBSECTION (A) AND
12 CAUSES BODILY INJURY TO, SERIOUS BODILY INJURY TO OR THE DEATH
13 OF AN EMERGENCY SERVICE RESPONDER OR ANOTHER PERSON COMMITS AN
14 OFFENSE AND SHALL, UPON CONVICTION, AS FOLLOWS:

15 (1) FOR CAUSING BODILY INJURY AS DEFINED IN 18 PA.C.S. §
16 2301 (RELATING TO DEFINITIONS), PAY A FINE OF NOT MORE THAN
17 \$1,000.

18 (2) FOR CAUSING SERIOUS BODILY INJURY, PAY A FINE OF NOT
19 MORE THAN \$5,000.

20 (3) FOR CAUSING DEATH, PAY A FINE OF NOT MORE THAN
21 \$10,000.

22 (B.3) PENALTIES FOR BODILY INJURY OR DEATH IN RELATION TO
23 DISABLED VEHICLES.--IN ADDITION TO ANY OTHER PENALTY PRESCRIBED
24 BY LAW, A DRIVER WHO VIOLATES SUBSECTION (A.1) AND CAUSES BODILY
25 INJURY TO, SERIOUS BODILY INJURY TO OR THE DEATH OF ANOTHER
26 PERSON COMMITS AN OFFENSE:

27 (1) FOR CAUSING BODILY INJURY AS DEFINED IN 18 PA.C.S. §
28 2301, PAY A FINE OF NOT MORE THAN \$1,000.

29 (2) FOR CAUSING SERIOUS BODILY INJURY AS DEFINED IN 18
30 PA.C.S. § 2301, PAY A FINE OF NOT MORE THAN \$5,000.

1 (3) FOR CAUSING DEATH, PAY A FINE OF NOT MORE THAN
2 \$10,000.

3 (C) MARKING.--

4 (1) AN EMERGENCY RESPONSE AREA SHALL BE CLEARLY MARKED
5 WITH ROAD FLARES, CAUTION SIGNS OR ANY OTHER TRAFFIC-CONTROL
6 DEVICE WHICH LAW ENFORCEMENT OFFICIALS MAY HAVE AT THEIR
7 IMMEDIATE DISPOSAL OR VISUAL SIGNALS ON VEHICLES MEETING THE
8 REQUIREMENTS OF SUBCHAPTER D OF CHAPTER 45 (RELATING TO
9 EQUIPMENT OF AUTHORIZED AND EMERGENCY VEHICLES).

10 (2) A DISABLED VEHICLE SHALL USE AT LEAST TWO OF THE
11 FOLLOWING MARKINGS:

12 (I) VEHICULAR HAZARD SIGNAL LAMPS AS PROVIDED IN
13 SECTION 4305 (RELATING TO VEHICULAR HAZARD SIGNAL LAMPS).

14 (II) CAUTION SIGNS OR OTHER TRAFFIC CONTROL DEVICE.

15 (III) ROAD FLARES.

16 (D) REPORTS BY EMERGENCY SERVICE RESPONDERS.--

17 (1) AN EMERGENCY SERVICE RESPONDER OBSERVING A VIOLATION
18 OF SUBSECTION (A) OR (A.1) MAY PREPARE A WRITTEN, SIGNED
19 REPORT WHICH INDICATES THAT A VIOLATION HAS OCCURRED. TO THE
20 EXTENT POSSIBLE, THE REPORT SHALL INCLUDE THE FOLLOWING
21 INFORMATION:

22 (I) INFORMATION PERTAINING TO THE IDENTITY OF THE
23 ALLEGED VIOLATOR.

24 (II) THE LICENSE NUMBER AND COLOR OF THE VEHICLE
25 INVOLVED IN THE VIOLATION.

26 (III) THE TIME AND APPROXIMATE LOCATION AT WHICH THE
27 VIOLATION OCCURRED.

28 (IV) IDENTIFICATION OF THE VEHICLE AS AN AUTOMOBILE,
29 STATION WAGON, MOTOR TRUCK, MOTOR BUS, MOTORCYCLE OR
30 OTHER TYPE OF VEHICLE.

1 (2) WITHIN 48 HOURS AFTER THE VIOLATION OCCURS, THE
2 EMERGENCY SERVICE RESPONDER SHALL DELIVER A COPY OF THE
3 REPORT TO A POLICE OFFICER HAVING AUTHORITY TO EXERCISE
4 POLICE POWER IN THE AREA WHERE THE VIOLATION OCCURRED. IF THE
5 POLICE OFFICER BELIEVES THAT THE REPORT ESTABLISHED A
6 SUFFICIENT BASIS FOR THE ISSUANCE OF A CITATION, THE OFFICER
7 SHALL FILE A CITATION AND A COPY OF THE REPORT WITH THE
8 ISSUING AUTHORITY. IF THE ISSUING AUTHORITY DETERMINES THAT
9 THE REPORT AND CITATION ESTABLISH A SUFFICIENT BASIS FOR THE
10 ISSUANCE OF A SUMMONS, A SUMMONS SHALL BE ISSUED IN
11 ACCORDANCE WITH GENERAL RULES GOVERNING THE INSTITUTION OF
12 PROCEEDINGS IN SUMMARY TRAFFIC OFFENSE CASES. THE ISSUING
13 AUTHORITY SHALL SEND THE DEFENDANT A COPY OF THE CITATION,
14 TOGETHER WITH A STATEMENT THAT IT WAS FILED BY THE POLICE
15 OFFICER NAMED IN THE CITATION ON THE BASIS OF INFORMATION
16 RECEIVED.

17 (3) A PERSON MAY INSTITUTE A PROCEEDING PURSUANT TO THIS
18 SUBSECTION OR IN ACCORDANCE WITH ANY MEANS AUTHORIZED BY THE
19 PENNSYLVANIA RULES OF CRIMINAL PROCEDURE.

20 (E) FINES TO BE DOUBLED.--IN ADDITION TO ANY PENALTY AS
21 PROVIDED IN SUBSECTIONS (B) [AND], (B.2) AND (B.3), THE FINE FOR
22 ANY OF THE FOLLOWING VIOLATIONS WHEN COMMITTED IN AN EMERGENCY
23 RESPONSE AREA MANNED BY EMERGENCY SERVICE RESPONDERS SHALL BE
24 DOUBLE THE USUAL AMOUNT:

25 SECTION 3102 (RELATING TO OBEDIENCE TO AUTHORIZED PERSONS
26 DIRECTING TRAFFIC).

27 SECTION 3111 (RELATING TO OBEDIENCE TO TRAFFIC-CONTROL
28 DEVICES).

29 SECTION 3114 (RELATING TO FLASHING SIGNALS).

30 SECTION 3302 (RELATING TO MEETING VEHICLE PROCEEDING IN

1 OPPOSITE DIRECTION) .

2 SECTION 3303 (RELATING TO OVERTAKING VEHICLE ON THE
3 LEFT) .

4 SECTION 3304 (RELATING TO OVERTAKING VEHICLE ON THE
5 RIGHT) .

6 SECTION 3305 (RELATING TO LIMITATIONS ON OVERTAKING ON
7 THE LEFT) .

8 SECTION 3306 (RELATING TO LIMITATIONS ON DRIVING ON LEFT
9 SIDE OF ROADWAY) .

10 SECTION 3307 (RELATING TO NO-PASSING ZONES) .

11 SECTION 3310 (RELATING TO FOLLOWING TOO CLOSELY) .

12 SECTION 3312 (RELATING TO LIMITED ACCESS HIGHWAY
13 ENTRANCES AND EXITS) .

14 SECTION 3323 (RELATING TO STOP SIGNS AND YIELD SIGNS) .

15 SECTION 3325 (RELATING TO DUTY OF DRIVER ON APPROACH OF
16 EMERGENCY VEHICLE) .

17 SECTION 3361 (RELATING TO DRIVING VEHICLE AT SAFE SPEED) .

18 SECTION 3707 (RELATING TO DRIVING OR STOPPING CLOSE TO
19 FIRE APPARATUS) .

20 SECTION 3710 (RELATING TO STOPPING AT INTERSECTION OR
21 CROSSING TO PREVENT OBSTRUCTION) .

22 SECTION 3714 (RELATING TO CARELESS DRIVING) .

23 SECTION 3736 (RELATING TO RECKLESS DRIVING) .

24 SECTION 3802 (RELATING TO DRIVING UNDER INFLUENCE OF
25 ALCOHOL OR CONTROLLED SUBSTANCE) .

26 (e.1) Public awareness.--The department shall educate the
27 public of the provisions of this section [as it deems
28 appropriate] periodically throughout the year and maintain
29 information on the department's publicly accessible Internet
30 website. The department shall refer to the education effort as

1 the "Move Over" campaign.

2 * * *

<--

3 ~~Section 2. This act may be referred to as the Move Over Law.~~

4 ~~Section 3. This act shall take effect in 60 180 days.~~

<--

5 (F) [DEFINITION.--AS USED IN THIS SECTION, THE TERM

<--

6 "EMERGENCY RESPONSE AREA" MEANS ANY OF THE FOLLOWING:]

7 DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING WORDS AND

8 PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION

9 UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

10 "DISABLED VEHICLE." A VEHICLE THAT IS IN A TRAFFIC LANE OR

11 ON THE SIDE OF A TRAFFIC LANE AND IS CLEARLY MARKED WITH AT

12 LEAST TWO OF THE MARKINGS SPECIFIED IN SUBSECTION (C) (2).

13 "EMERGENCY RESPONSE AREA." ANY OF THE FOLLOWING:

14 (1) THE AREA IN WHICH EMERGENCY SERVICE RESPONDERS
15 RENDER EMERGENCY ASSISTANCE TO INDIVIDUALS ON OR NEAR A
16 ROADWAY OR A POLICE OFFICER IS CONDUCTING A TRAFFIC STOP OR
17 SYSTEMATIC CHECK OF VEHICLES OR CONTROLLING OR DIRECTING
18 TRAFFIC AS LONG AS THE EMERGENCY VEHICLE IS MAKING USE OF
19 VISUAL SIGNALS MEETING THE REQUIREMENTS OF SUBCHAPTER D OF
20 CHAPTER 45.

21 (2) THE AREA IN WHICH CONTRACTORS OR EMPLOYEES OF A
22 PUBLIC UTILITY, A MUNICIPALLY OWNED UTILITY OR AN ELECTRIC
23 COOPERATIVE PROVIDE DISASTER EMERGENCY-RELATED SERVICES,
24 INCLUDING, BUT NOT LIMITED TO, THE REPAIR, RENOVATION,
25 INSTALLATION, CONSTRUCTION AND ACTIVITIES RELATED TO DAMAGED,
26 IMPAIRED OR DESTROYED INFRASTRUCTURE, WITHIN THE FIRST 72
27 HOURS AFTER A DECLARED EMERGENCY OR UNTIL THE EXPIRATION OF A
28 DECLARED EMERGENCY, WHICHEVER IS LATER, AS LONG AS THE
29 VEHICLES USED TO PROVIDE DISASTER EMERGENCY-RELATED SERVICES
30 ARE MAKING USE OF VISUAL SIGNALS AS AUTHORIZED UNDER SECTION

1 4572(B) (RELATING TO VISUAL SIGNALS ON AUTHORIZED VEHICLES).

2 § 3732. HOMICIDE BY VEHICLE.

3 * * *

4 (B) SENTENCING.--

5 * * *

6 (1.1) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW,
7 A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (A) WHO IS
8 ALSO CONVICTED OF A VIOLATION OF SECTION 1501 (RELATING TO
9 DRIVERS REQUIRED TO BE LICENSED), 1543 (RELATING TO DRIVING
10 WHILE OPERATING PRIVILEGE IS SUSPENDED OR REVOKED), 3316
11 (RELATING TO PROHIBITING TEXT-BASED COMMUNICATIONS), 3325
12 (RELATING TO DUTY OF DRIVER ON APPROACH OF EMERGENCY VEHICLE)
13 OR 3327 (RELATING TO DUTY OF DRIVER IN EMERGENCY RESPONSE
14 AREAS AND IN RELATION TO DISABLED VEHICLES) MAY BE SENTENCED
15 TO AN ADDITIONAL TERM NOT TO EXCEED FIVE YEARS' CONFINEMENT.

16 * * *

17 § 3732.1. AGGRAVATED ASSAULT BY VEHICLE.

18 * * *

19 (B) SENTENCING.--

20 * * *

21 (2) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, A
22 PERSON CONVICTED OF A VIOLATION OF SUBSECTION (A) WHO IS ALSO
23 CONVICTED OF A VIOLATION OF SECTION 1501 (RELATING TO DRIVERS
24 REQUIRED TO BE LICENSED), 1543 (RELATING TO DRIVING WHILE
25 OPERATING PRIVILEGE IS SUSPENDED OR REVOKED), 3316 (RELATING
26 TO PROHIBITING TEXT-BASED COMMUNICATIONS), 3325 (RELATING TO
27 DUTY OF DRIVER ON APPROACH OF EMERGENCY VEHICLE) OR 3327
28 (RELATING TO DUTY OF DRIVER IN EMERGENCY RESPONSE AREAS AND
29 IN RELATION TO DISABLED VEHICLES) MAY BE SENTENCED TO AN
30 ADDITIONAL TERM NOT TO EXCEED TWO YEARS' CONFINEMENT.

1 * * *

2 SECTION 2. THIS AMENDATORY ACT MAY BE REFERRED TO AS THE
3 MOVE OVER LAW.

4 SECTION 3. THIS ACT SHALL TAKE EFFECT IN 180 DAYS.