

CHAPTER 35
SPECIAL VEHICLES AND PEDESTRIANS

Subchapter

- A. Operation of Pedalcycles
- B. Special Rules for Motorcycles
- C. Rights and Duties of Pedestrians
- D. Pedalcycle and Pedestrian Advisory Committee
- E. Electric Personal Assistive Mobility Devices

Enactment. Chapter 35 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977.

SUBCHAPTER A
OPERATION OF PEDALCYCLES

Sec.

- 3501. Applicability of traffic laws to pedalcycles.
- 3502. Penalty for violation of subchapter.
- 3503. Responsibility of parent or guardian.
- 3504. Riding on pedalcycles.
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§ 3501. Applicability of traffic laws to pedalcycles.

(a) General rule.--Every person riding a pedalcycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title, except as to special provisions in this subchapter and except as to those provisions of this title which by their nature can have no application.

(b) Application of subchapter.--The provisions of this subchapter apply whenever a pedalcycle is operated upon any highway or upon any path set aside for the exclusive use of pedalcycles subject to the exceptions stated in subsection (a).

§ 3502. Penalty for violation of subchapter.

Any person violating any provision of this subchapter is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$10.

§ 3503. Responsibility of parent or guardian.

The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any of the provisions of this title relating to the operation of pedalcycles.

§ 3504. Riding on pedalcycles.

(a) Use of seat by operator.--A person propelling a pedalcycle shall not ride other than upon or astride a permanent and regular seat attached to the pedalcycle.

(b) Number of riders.--No pedalcycle shall be used to carry more persons at one time than the number for which the pedalcycle is designed and equipped except that an adult rider may transport a child in a pedalcycle child carrier which is securely attached to the pedalcycle or in a trailer which is towed by a pedalcycle.

(Dec. 15, 1995, P.L.655, No.72, eff. 60 days)

§ 3505. Riding on roadways and pedalcycle paths.

(a) General rule.--Except as provided in subsections (b) and (c), every person operating a

pedalcycle upon a highway shall obey the applicable rules of the road as contained in this title.

(b) Operation on shoulder.--A pedalcycle may be operated on the shoulder of a highway and shall be operated in the same direction as required of vehicles operated on the roadway. All turns shall be made in accordance with section 3331 (relating to required position and method of turning).

(c) Slower than prevailing speeds.--A pedalcycle operated at slower than prevailing speed shall be operated in accordance with the provisions of section 3301(b) (relating to driving on right side of roadway) unless it is unsafe to do so.

(d) One-way roadways.--Any person operating a pedalcycle upon a roadway which carries traffic in one direction only and has two or more marked traffic lanes may ride as near the left-hand curb or edge of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(e) Limitation on riding abreast.--Persons riding pedalcycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of pedalcycles.

(f) Mandatory use of available pedalcycle path.--(Deleted by amendment).
(Dec. 15, 1995, P.L.655, No.72, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 amended subsec. (b) and deleted subsec. (f).

§ 3506. Articles carried by operator.

No person operating a pedalcycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars.

§ 3507. Lamps and other equipment on pedalcycles.

(a) Lamps and reflectors.--Every pedalcycle when in use between sunset and sunrise shall be equipped on the front with a lamp which emits a beam of white light intended to illuminate the pedalcycle operator's path and visible from a distance of at least 500 feet to the front, a red reflector facing to the rear which shall be visible at least 500 feet to the rear and an amber reflector on each side. Operators of pedalcycles may supplement the required front lamp with a white flashing lamp, light-emitting diode or similar device to enhance their visibility to other traffic and with a lamp emitting a red flashing lamp, light-emitting diode or similar device visible from a distance of 500 feet to the rear. A lamp or lamps worn by the operator of a pedalcycle shall comply with the requirements of this subsection if the lamp or lamps can be seen at the distances specified.

(b) Audible signal devices.--A pedalcycle may be equipped with a device capable of giving a signal audible for a distance of at least 100 feet except that a pedalcycle shall not be equipped with nor shall any person use upon a pedalcycle any siren.

(c) Brakes.--Every pedalcycle shall be equipped with a braking system which will stop the pedalcycle in 15 feet from an initial speed of 15 miles per hour on a dry, level and clean pavement.
(Dec. 15, 1995, P.L.655, No.72, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 amended subsec. (a).

§ 3508. Pedalcycles on sidewalks and pedalcycle paths.

(a) Right-of-way to pedestrians.--A person riding a pedalcycle upon a sidewalk or pedalcycle path used by pedestrians shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing a pedestrian.

(b) Business districts.--A person shall not ride a pedalcycle upon a sidewalk in a business district unless permitted by official traffic-control devices, nor when a usable pedalcycle-only lane has been provided adjacent to the sidewalk.

§ 3509. Parking.

(a) Sidewalks.--

(1) A person may park a pedalcycle on a sidewalk unless prohibited or restricted by an official traffic-control device.

(2) A pedalcycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

(b) Roadways.--

(1) A pedalcycle may be parked on the roadway at any angle to the curb or edge of the roadway at any location where parking is allowed.

(2) A pedalcycle may be parked on the roadway abreast of another pedalcycle or pedalcycles near the side of the roadway at any location where parking is allowed.

(3) A person shall not park a pedalcycle on a roadway in such a manner as to obstruct the movement of a legally parked motor vehicle.

(4) In all other respects, pedalcycles parked anywhere on a highway shall conform with the provisions of Subchapter E of Chapter 33 (relating to stopping, standing and parking).

Cross References. Section 3509 is referred to in section 3353 of this title.

§ 3510. Pedalcycle helmets for certain persons.

(a) General rule.--A person under 12 years of age shall not operate a pedalcycle or ride as a passenger on a pedalcycle unless the person is wearing a pedalcycle helmet meeting the standards of the American National Standards Institute, the American Society for Testing and Materials, the Snell Memorial Foundation's Standards for Protective Headgear for Use in Bicycling or any other nationally recognized standard for pedalcycle helmet approval. This subsection shall also apply to a person who rides:

(1) upon a pedalcycle while in a restraining seat attached to a pedalcycle; or

(2) in a trailer towed by a pedalcycle.

(b) Helmet to be labeled.--Any helmet sold or offered for sale for use by operators and passengers of pedalcycles shall be labeled in accordance with the standard described in subsection (a), which shall constitute the manufacturer's certification that the helmet conforms to the applicable safety standards.

(b.1) Sale of helmet.--No person shall sell or offer for sale for use by an operator or passenger of a pedalcycle a helmet which is not of a type meeting the requirements established by this section.

(b.2) Waiver of fine.--If a person receives a citation issued by the proper authority for violation of subsection (a), a magisterial district judge, magistrate or judge shall dismiss the charges if the person prior to or at the person's hearing displays evidence of acquisition of a helmet meeting the standards prescribed in subsection (a) to such magisterial district judge, magistrate or judge. Sufficient evidence shall include a receipt mailed to the appropriate court officer which evidences purchase or transfer of such a helmet from another helmet owner, evidenced by a notarized letter.

(b.3) Exemption.--This section shall not apply to a child under 12 years of age who can produce a statement from the family's church authorities attesting that it is against the tenets of the family's religion to wear a helmet.

(c) Civil actions.--In no event shall a violation or alleged violation of subsection (a) be used as evidence in a trial of any civil action; nor shall any jury in a civil action be instructed that any conduct did constitute or could be interpreted by them to constitute a violation of subsection (a); nor shall failure to use a pedalcycle helmet be considered as contributory negligence nor shall failure to use a pedalcycle helmet be admissible as evidence in the trial of any civil action.

(d) Penalty.--Notwithstanding any other provisions of law, any violation of subsection (a) is punishable by a fine, including all penalties, assessments and court costs imposed on the convicted person not to exceed \$25. The parent or legal guardian having control or custody of a person under 12 years of age whose conduct violates this section shall be jointly and severally liable with the person for the amount of the fine imposed.

(e) Definitions.--As used in this section, the term "wearing a pedalcycle helmet" means having a pedalcycle helmet of good fit fastened securely upon the head with the helmet straps.

(July 19, 1991, P.L.88, No.20, eff. 90 days; Dec. 28, 1994, P.L.1441, No.170, eff. 60 days; Dec. 15, 1995, P.L.655, No.72, eff. 60 days; Nov. 30, 2004, P.L.1618, No.207, eff. 60 days)

2004 Amendment. Act 207 amended subsec. (b.2). See sections 28 and 29 of Act 207 in the appendix to this title for special provisions relating to applicability and construction of law.

Cross References. Section 3510 is referred to in sections 3513, 3582 of this title.

§ 3511. Pedalcycles prohibited on freeways.

(a) General rule.--No person shall ride a pedalcycle on a freeway.

(b) Exceptions.--

(1) The department and local authorities, on highways under their respective

jurisdictions, may issue permits for a procession or event prohibited under subsection (a) upon a determination that:

- (i) The pedalcycle procession or event is of national, State or regional interest; and
- (ii) the results of an engineering and traffic study indicate that the procession or event can be conducted with safety.

(2) On State-designated freeways, pedalcycles may be authorized under the following limitations:

- (i) The pedalcycler is 18 years of age or older or is accompanied by a pedalcycler 18 years of age or older.
- (ii) A written request for review of the freeway route based on the potential unavailability of an alternate route is made to the department.
- (iii) The department determines that no reasonable alternate route exists and the freeway is safe for pedalcycle travel.
- (iv) The department publishes a notice in the Pennsylvania Bulletin authorizing pedalcycle access to the freeway. The notice shall constitute approval for the persons authorized under subparagraph (i) to ride a pedalcycle on the State-designated freeway.

(c) Action by local authorities.--Action taken by local authorities regarding permission to use pedalcycles on freeways under their jurisdiction shall be:

- (1) by ordinance of the local governing body; or
- (2) by a commission or public official authorized to act on specified matters.

(d) Operation on shoulder.--If the department authorizes pedalcycle access to a freeway, the pedalcycle shall be operated upon the shoulder of that freeway whenever practicable.
(June 11, 1992, P.L.266, No.47, eff. 60 days; Dec. 15, 1995, P.L.655, No.72, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

2002 Amendment. Act 152 amended subsec. (b).

1995 Amendment. Act 72 added subsec. (d).

1992 Amendment. Act 47 added section 3511.

§ 3512. Pedalcycle Helmet Fund (Repealed).

1995 Repeal Note. Section 3512 was repealed December 15, 1995, P.L.655, No.72, effective in 60 days.

§ 3513. Civil immunity for lenders of pedalcycle helmets.

No person or organization who or which lends to another person or organization a pedalcycle helmet, as described in section 3510 (relating to pedalcycle helmets for certain persons), shall be liable for any civil damages resulting from any act or omission, except any act or omission intentionally designed to harm or any grossly negligent act or omission resulting in harm to another.
(Dec. 28, 1994, P.L.1441, No.170, eff. 60 days)

1994 Amendment. Act 170 added section 3513.

SUBCHAPTER B SPECIAL RULES FOR MOTORCYCLES

Sec.

- 3521. Applicability of traffic laws to motorcycles.
- 3522. Riding on motorcycles.
- 3523. Operating motorcycles on roadways laned for traffic.
- 3524. Footrests and handhold.
- 3525. Protective equipment for motorcycle riders.
- 3526. Lighted lamp requirements for motorcycles.

§ 3521. Applicability of traffic laws to motorcycles.

Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this title, except as to special provisions in this subchapter and except as to those provisions of this title which by their nature can have no application.

§ 3522. Riding on motorcycles.

(a) Use of seat by operator and passengers.--A person operating a motorcycle shall ride only upon the permanent and regular seat attached to the motorcycle, and the operator shall not carry any other person nor shall any other person ride on a motorcycle unless the motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator. In no event shall a passenger sit in front of the operator of the motorcycle.

(b) Method of seating.--Unless in a sidecar, a person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

(c) Articles carried by operator.--No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him from keeping both hands on the handlebars.

(d) Interference with operation.--No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

§ 3523. Operating motorcycles on roadways laned for traffic.

(a) Right to use of lane.--All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane.

(b) Overtaking and passing.--The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) Operation between lanes or vehicles.--No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(d) Limitation on operating abreast.--Motorcycles shall not be operated more than two abreast in a single lane.

(e) Limited access highways.--No motorized pedalcycle shall be operated on any limited access highway.

(f) Exception for police officers.--Subsections (b) and (c) do not apply to police officers in the performance of their official duties.

§ 3524. Footrests and handhold.

Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests and handhold for the passenger.

(Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

§ 3525. Protective equipment for motorcycle riders.

(a) Protective headgear.--Except as provided in subsection (d), no person shall operate or ride upon a motorcycle or a motor-driven cycle (other than a motorized pedalcycle) unless he is wearing protective headgear which complies with standards established by the department.

(b) Eye-protective devices.--No person shall operate or ride upon a motorcycle (other than a motorized pedalcycle or a three-wheeled motorcycle equipped with an enclosed cab) unless he is wearing an eye-protective device of a type approved by the department.

(c) Approval of equipment.--The department may approve or disapprove protective headgear and eye-protective devices required under this section and may issue and enforce regulations establishing standards and specifications for the approval of the headgear and devices. The department shall publish lists of all protective headgear and eye-protective devices by name and type which have been approved.

(d) Exception.--The provisions of subsection (a) shall not apply to the following:

(1) The operator or any occupant of a three-wheeled motorcycle equipped with an enclosed cab.

(2) A person 21 years of age or older who has been licensed to operate a motorcycle for not less than two full calendar years.

(3) A person 21 years of age or older who has completed a motorcycle rider safety

course approved by the department or the Motorcycle Safety Foundation.

(4) The passenger of a person exempt under this subsection if the passenger is 21 years of age or older.

(Feb. 15, 1980, P.L.12, No.8, eff. imd.; July 8, 1986, P.L.432, No.90, eff. 60 days; July 6, 2003, P.L.19, No.10, eff. 60 days)

Cross References. Section 3525 is referred to in section 3314 of this title.

§ 3526. Lighted lamp requirements for motorcycles.

Notwithstanding the provisions of section 4302 (relating to periods for requiring lighted lamps), the operator of a motorcycle, manufactured during or after 1986, upon a highway shall display the lighted head lamps and other lamps and illuminating devices required under Chapter 43 (relating to lighting equipment) at all times.

(Dec. 9, 2002, P.L.1278, No.152, eff. 60 days; May 11, 2006, P.L.161, No.38, eff. imd.)

SUBCHAPTER C RIGHTS AND DUTIES OF PEDESTRIANS

Sec.

3541. Obedience of pedestrians to traffic-control devices and regulations.

3542. Right-of-way of pedestrians in crosswalks.

3543. Pedestrians crossing at other than crosswalks.

3544. Pedestrians walking along or on highway.

3545. Pedestrians soliciting rides or business.

3546. Driving through or around safety zone.

3547. Right-of-way of pedestrians on sidewalks.

3548. Pedestrians to yield to emergency vehicles.

3549. Blind pedestrians.

3550. Pedestrians under influence of alcohol or controlled substance.

3551. Compliance with bridge and railroad warning signals.

3552. Penalty for violation of subchapter.

§ 3541. Obedience of pedestrians to traffic-control devices and regulations.

(a) Traffic-control devices.--A pedestrian shall obey the instructions of a police officer or other appropriately attired person authorized to direct, control or regulate traffic.

(b) Traffic and pedestrian-control signals.--Local authorities by ordinance may require pedestrians to obey traffic and pedestrian-control signals as provided in sections 3112 (relating to traffic-control signals) and 3113 (relating to pedestrian-control signals).

§ 3542. Right-of-way of pedestrians in crosswalks.

(a) General rule.--When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

(b) Exercise of care by pedestrian.--No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute a hazard.

(c) Limitation on vehicles passing.--Whenever any vehicle is stopped at any crosswalk at an intersection or at any marked crosswalk to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

(d) Application of section.--Subsection (a) does not apply under the conditions stated in section 3543(b) (relating to pedestrians crossing at other than crosswalks).

(e) Penalties.--The driver of a vehicle who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50.

(June 25, 2001, P.L.701, No.68, eff. 120 days; June 26, 2001, P.L.734, No.75, eff. 60 days)

2001 Amendments. Act 75 overlooked the amendment by Act 68, but the amendments do not conflict in substance (except for the amount of the fine, as to which Act 75 has been given effect) and have both been given effect in setting forth the text of section 3542.

Cross References. Section 3542 is referred to in section 1535 of this title.

§ 3543. Pedestrians crossing at other than crosswalks.

(a) General rule.--Every pedestrian crossing a roadway at any point other than within a crosswalk at an intersection or any marked crosswalk shall yield the right-of-way to all vehicles upon the roadway.

(b) At pedestrian tunnel or overhead crossing.--Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) Between controlled intersections in urban district.--Between adjacent intersections in urban districts at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(d) Crossing intersection diagonally.--No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices or at the direction of a police officer or other appropriately attired person authorized to direct, control or regulate traffic. When authorized to cross diagonally, pedestrians shall cross only in accordance with the signal pertaining to the crossing movements.

Cross References. Section 3543 is referred to in section 3542 of this title.

§ 3544. Pedestrians walking along or on highway.

(a) Mandatory use of available sidewalk.--Where a sidewalk is provided and its use is practicable, it is unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Absence of sidewalk.--Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder as far as practicable from the edge of the roadway.

(c) Absence of sidewalk and shoulder.--Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway and, if on a two-way roadway, shall walk only on the left side of the roadway.

(d) Right-of-way to vehicles.--Except as otherwise provided in this subchapter, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

§ 3545. Pedestrians soliciting rides or business.

No person shall:

(1) Stand on a roadway for the purpose of soliciting a ride.

(2) Stand on a roadway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.

(3) Stand on or in proximity to a highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

§ 3546. Driving through or around safety zone.

(a) Through zones.--No vehicle shall at any time be driven through or within a safety zone.

(b) Around zones.--Traffic may move on either side of a safety zone unless prohibited from driving to the left of the zone by the installation of an official traffic-control device as provided in this title.

§ 3547. Right-of-way of pedestrians on sidewalks.

The driver of a vehicle emerging from or entering an alley, building, private road or driveway shall yield the right-of-way to any pedestrian approaching on any sidewalk extending across the alley, building entrance, road or driveway.

Cross References. Section 3547 is referred to in section 1535 of this title.

§ 3548. Pedestrians to yield to emergency vehicles.

(a) General rule.--Upon the immediate approach of an emergency vehicle making use of audible and visual signals meeting the requirements of this title, every pedestrian shall yield the right-of-way to the emergency vehicle.

(b) Exercise of care by driver.--This section does not relieve the driver of an emergency vehicle

from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian.

(June 26, 2001, P.L.734, No.75, eff. 60 days)

§ 3549. Blind pedestrians.

(a) General rule.--The driver of a vehicle shall yield the right-of-way to any totally or partially blind pedestrian carrying a clearly visible white cane or accompanied by a guide dog and shall take such precautions as may be necessary to avoid injuring or endangering the pedestrian and, if necessary, shall stop the vehicle in order to prevent injury or danger to the pedestrian.

(b) Effect of absence of cane or dog.--This section shall not be construed to deprive a totally or partially blind pedestrian not carrying a cane or not being guided by a dog of the rights and privileges conferred by law upon pedestrians crossing streets or highways, nor shall the failure of a totally or partially blind pedestrian to carry a cane or to be guided by a guide dog upon the streets, highways or sidewalks of this Commonwealth be held to constitute contributory negligence in and of itself.

(c) Penalty.--A violation of subsection (a) constitutes a summary offense punishable by a fine of not less than \$50 nor more than \$150.

(Oct. 4, 2002, P.L.845, No.123, eff. 60 days)

2002 Amendment. Act 123 added subsec. (c).

Cross References. Section 3549 is referred to in section 1535 of this title.

§ 3550. Pedestrians under influence of alcohol or controlled substance.

A pedestrian who is under the influence of alcohol or any controlled substance to a degree which renders the pedestrian a hazard shall not walk or be upon a highway except on a sidewalk.

§ 3551. Compliance with bridge and railroad warning signals.

(a) Bridges.--No pedestrian shall enter or remain upon any bridge or approach to any bridge beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.

(b) Railroad crossings.--No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed.

(c) Penalty.--A violation of this section constitutes a summary offense punishable by a fine of not less than \$50 nor more than \$150.

(Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1998 Amendment. Act 151 added subsec. (c).

§ 3552. Penalty for violation of subchapter.

Except as otherwise provided for in this subchapter, any pedestrian violating any provision of this subchapter is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$5.

(Oct. 4, 2002, P.L.845, No.123, eff. 60 days)

SUBCHAPTER D PEDALCYCLE AND PEDESTRIAN ADVISORY COMMITTEE

Sec.

3571. Pedalcycle and Pedestrian Advisory Committee.

Enactment. Subchapter D was added December 15, 1995, P.L.655, No.72, effective in 60 days.

Reenactment. Subchapter D was reenacted and amended May 17, 2001, P.L.24, No.8, retroactive to December 31, 2000.

§ 3571. Pedalcycle and Pedestrian Advisory Committee.

(a) Establishment.--There is hereby established under the jurisdiction of the Department of Transportation the Pennsylvania Pedalcycle and Pedestrian Advisory Committee.

(b) Composition.--The committee shall consist of 15 members. The members shall be as follows:

(1) The Secretary of Transportation, ex officio.
(2) The Secretary of Conservation and Natural Resources, ex officio.
(3) The chairman and minority chairman of the Transportation Committee of the Senate.

(4) The chairman and minority chairman of the Transportation Committee of the House of Representatives.

(5) Nine members of the public representing areas of concern, who must have extensive experience and knowledge of bicycle, pedalcycle, pedestrian and human power issues throughout this Commonwealth, to be appointed by the Governor as follows:

- (i) One member representing the Bicycling Federation of Pennsylvania.
- (ii) One member representing the League of American Bicyclists.
- (iii) One member representing the United States Cycling Federation.
- (iv) One member representing a Statewide rail-trail organization in this Commonwealth.
- (v) One member representing the Eastern Paralyzed Veterans Association.
- (vi) One member representing the general public.
- (vii) One member representing the Western Pennsylvania Wheelmen.
- (viii) One member representing the Bicycle Coalition of the Delaware Valley.
- (ix) One member representing an established pedestrian advocacy group organized within this Commonwealth.

Each member set forth in paragraphs (1) through (4) may designate an alternate to serve in his stead, and such member shall notify the chairman in writing of this designation.

(c) Terms of appointees.--The terms of all members of the committee appointed by the Governor shall be for three years. Any member of the committee may be reappointed for additional terms. An individual appointed to fill a vacancy shall serve for the unexpired term and shall be eligible for reappointment.

(d) Officers.--The members of the committee shall annually elect a chairman, a vice chairman and a secretary from among the public members of the committee.

(e) Meetings and expenses.--

- (1) The committee shall meet at least annually.
- (2) A public member who misses three consecutive meetings without good cause acceptable to the chairman may be replaced by the Governor.
- (3) The public members of the committee shall be allowed actual, necessary and reasonable per diem expenses in accordance with regulations of the Executive Board. The department shall provide appropriate staff support to enable the committee to properly carry out its functions.

(f) Powers and duties.--The powers and duties of the committee shall be to advise and comment on all phases of cycling and pedestrian program activities being undertaken or financially assisted by the department and agencies of State government.

(Mar. 21, 1996, P.L.35, No.11, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; May 17, 2001, P.L.24, No.8, eff. imd.)

2001 Amendment. Act 8 reenacted and amended section 3571, retroactive to December 31, 2000.

(July 13, 2007, P.L.92, No.30, eff. 120 days)

2007 Amendment. Act 30 added section 3575.

SUBCHAPTER E ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES

Sec.

3581. Equipment.

3582. Pedalcycle helmets for certain persons.

3583. EPAMD prohibited on freeways.

Enactment. Subchapter E was added July 4, 2002, P.L.692, No.105, effective in 60 days.

§ 3581. Equipment.

(a) Exemption.--Electrical personal assistive mobility devices shall be exempted from the vehicle equipment requirements in Chapters 41 (relating to equipment standards), 43 (relating to lighting equipment) and 45 (relating to other required equipment) and department regulations relating to those sections.

(b) Lamps and reflectors.--Every EPAMD when operated on a sidewalk, sidewalk area or highway between sunset and sunrise shall be equipped on the front with a lamp which emits a beam of white light intended to illuminate the EPAMD operator's path and visible from a distance of at least 500 feet in front, a red reflector facing to the rear which is visible at least 500 feet to the rear and a reflector on each side.

§ 3582. Pedalcycle helmets for certain persons.

(a) General rule.--A child under 12 years of age may not operate an EPAMD unless the person is wearing a pedalcycle helmet meeting the requirements of section 3510 (relating to pedalcycle helmets for certain persons).

(b) Waiver of fine.--If a person receives a citation issued by the proper authority for violation of subsection (a), a magisterial district judge, magistrate or judge shall dismiss the charges if the person prior to or at the person's hearing displays evidence of acquisition of a helmet meeting the standards prescribed in subsection (a) to the magisterial district judge, magistrate or judge. Sufficient evidence shall include a receipt mailed to the appropriate court officer which evidences purchase or transfer of such a helmet from another helmet owner, evidenced by a notarized letter.

(c) Exemption.--This section shall not apply to a child under 12 years of age who can produce a statement from the family's church authorities attesting that it is against the tenets of the family's religion to wear a helmet.

(d) Civil actions.--In no event shall a violation or alleged violation of subsection (a) be used as evidence in a trial of any civil action, nor shall any jury in a civil action be instructed that any conduct did constitute or could be interpreted by the jury to constitute a violation of subsection (a), nor shall failure to use a pedalcycle helmet be considered as contributory negligence, nor shall failure to use a pedalcycle helmet be admissible as evidence in the trial of any civil action.

(e) Penalty.--Notwithstanding any other provisions of law, any violation of subsection (a) is punishable by a fine, including all penalties, assessments and court costs imposed on the convicted person, not to exceed \$25. The parent or legal guardian having control or custody of a child under 12 years of age whose conduct violates this section shall be jointly and severally liable with the person for the amount of the fine imposed.

(f) Definitions.--As used in this section, the term "wearing a pedalcycle helmet" means having a pedalcycle helmet of good fit fastened securely upon the head with the helmet straps.

(Nov. 30, 2004, P.L.1618, No.207, eff. 60 days)

2004 Amendment. Act 207 amended subsec. (b). See sections 28 and 29 of Act 207 in the appendix to this title for special provisions relating to applicability and construction of law.

§ 3583. EPAMD prohibited on freeways.

No person shall operate an EPAMD on a freeway.