

CHAPTER 33
RULES OF THE ROAD IN GENERAL

Subchapter

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Cross References. Chapter 33 is referred to in section 1614 of this title.

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

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§ 3301. Driving on right side of roadway.

(a) General rule.--Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction where permitted by the rules governing such movement.

(2) When an obstruction exists making it necessary to drive to the left of the center of the roadway, provided the driver yields the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute a hazard.

(3) When and where official traffic-control devices are in place designating a lane or lanes to the left side of the center of the roadway for the movement indicated by the devices.

(4) Upon a roadway restricted to one-way traffic.

(5) When making a left turn as provided in sections 3322 (relating to vehicle turning left) and 3331 (relating to required position and method of turning).

(6) In accordance with section 3303(a)(3) (relating to overtaking vehicle on the left).

(b) Vehicle proceeding at less than normal speed.--

(1) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into an alley, private road or driveway.

(2) This subsection does not apply to:

(i) A driver who must necessarily drive in a lane other than the right-hand lane to continue on his intended route.

(ii) A pedalcycle operating in accordance with Chapter 35 (relating to special vehicles and pedestrians).

(c) Pedalcycles.--

(1) Upon all roadways, any pedalcycle operating in accordance with Chapter 35, proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into an alley, private road or driveway.

(2) This subsection does not apply to:

(i) A pedalcycle using any portion of an available roadway due to unsafe surface conditions.

(ii) A pedalcycle using a roadway that has a width of not more than one lane of traffic in each direction.

(Feb. 2, 2012, P.L.27, No.3, eff. 60 days)

Cross References. Section 3301 is referred to in sections 3306, 3307, 3505 of this title.

§ 3302. Meeting vehicle proceeding in opposite direction.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right and, upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

Cross References. Section 3302 is referred to in sections 1535, 3326, 3327 of this title.

§ 3303. Overtaking vehicle on the left.

(a) General rule.--The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations, exceptions and special rules stated in this chapter:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left of the other vehicle at a safe distance and shall stay to the left of the other vehicle until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall not increase the speed of the vehicle until completely passed by the overtaking vehicle and shall give way to the right in favor of the overtaking vehicle on suitable signal.

(3) The driver of a motor vehicle overtaking a pedalcycle proceeding in the same direction shall pass to the left of the pedalcycle within not less than four feet at a careful and prudent reduced speed.

(b) Suitable signal defined.--Suitable signal for purposes of subsection (a)(2) shall be as follows:

(1) At all times when head lamps are required to be lighted according to section 4302 (relating to the period for requiring lighted lamps), an

audible signal or the intermittent flashing of low and high beams except that the use of high beams shall not be permitted when a vehicle is approaching from the opposite direction within 500 feet.

(2) At all other times, an audible signal.
(Feb. 2, 2012, P.L.27, No.3, eff. 60 days)

2012 Amendment. Act 3 added subsec. (a)(3).

Cross References. Section 3303 is referred to in sections 1535, 3301, 3307, 3326, 3327 of this title.

§ 3304. Overtaking vehicle on the right.

(a) **General rule.**--The driver of a vehicle may overtake and pass upon the right of another vehicle only under one of the following conditions:

(1) When the vehicle overtaken is making or about to make a left turn, except that such movement shall not be made by driving off the berm or shoulder of the highway.

(2) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaken vehicle, except that such movement shall not be made by driving off the roadway.

(b) **Limitation.**--No passing movement under this section shall be made unless the movement can be made in safety.

Cross References. Section 3304 is referred to in sections 1535, 3326, 3327 of this title.

§ 3305. Limitations on overtaking on the left.

No vehicle shall be driven to the left side of the center or marked center line of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and, in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within 200 feet of any approaching vehicle.

Cross References. Section 3305 is referred to in sections 1535, 1603, 3307, 3326, 3327 of this title.

§ 3306. Limitations on driving on left side of roadway.

(a) **General rule.**--No vehicle shall be driven on the left side of the roadway under any of the following conditions:

(1) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.

(2) When approaching within 100 feet of or traversing any intersection or railroad grade crossing, unless otherwise indicated by official traffic-control devices.

(3) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.

(b) **Application of section.**--This section does not apply under the conditions described in section 3301(a)(2),(3),(4) and (5) (relating to driving on right side of roadway).

Cross References. Section 3306 is referred to in sections 1535, 1603, 3326, 3327, 6506 of this title.

§ 3307. No-passing zones.

(a) Establishment and marking.--The department and local authorities may determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left side of the roadway would be especially hazardous and shall by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when the signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions of the signs or markings. Signs shall be placed to indicate the beginning and end of each no-passing zone.

(b) Compliance by drivers.--Where signs and markings are in place to define a no-passing zone as set forth in subsection (a), no driver shall at any time drive on the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark a no-passing zone throughout its length.

(b.1) Overtaking pedalcycles.--It is permissible to pass a pedalcycle, if done in accordance with sections 3303(a)(3) (relating to overtaking vehicle on the left) and 3305 (relating to limitations on overtaking on the left).

(c) Application of section.--This section does not apply under the conditions described in section 3301(a)(2) and (5) (relating to driving on right side of roadway).

(Feb. 2, 2012, P.L.27, No.3, eff. 60 days)

2012 Amendment. Act 3 added subsec. (b.1).

Cross References. Section 3307 is referred to in sections 1535, 1603, 3326, 3327, 6109 of this title.

§ 3308. One-way roadways and rotary traffic islands.

(a) Establishment and marking.--The department and local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic-control devices.

(b) Driving on one-way roadway.--Upon a roadway designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic-control devices.

(c) Driving around rotary traffic island.--A vehicle passing around a rotary traffic island shall be driven only to the right of the island.

Cross References. Section 3308 is referred to in section 6109 of this title.

§ 3309. Driving on roadways laned for traffic.

Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others not inconsistent therewith shall apply:

(1) Driving within single lane.--A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that the movement can be made with safety.

(2) Three lane roadways.--Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when the center lane is clear of traffic within a safe distance, or in preparation for making a left turn, or where the center lane is allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and the allocation is designated by official traffic-control devices.

(3) Lanes limited to specific use.--Official traffic-control devices may be erected to restrict the use of specified lanes to specified classes

or types of traffic or vehicles, including multioccupant vehicles or car pools, and drivers of vehicles shall obey the directions of every such device.

(4) Prohibitions against changing lanes.--Official traffic-control devices may be installed prohibiting the changing of lanes on a section of roadway and drivers of vehicles shall obey the directions of every such device.

Cross References. Section 3309 is referred to in sections 1603, 3326 of this title.

§ 3310. Following too closely.

(a) General rule.--The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon and the condition of the highway.

(b) Combinations of vehicles and trucks.--The driver of any motor vehicle drawing another vehicle or of any truck when traveling upon a roadway outside of an urban district and following a motor vehicle drawing another vehicle or following a truck shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy the space without danger, except that this subsection does not prevent a motor vehicle drawing another vehicle or prevent a truck from overtaking and passing any vehicle or combination of vehicles.

(c) Caravans and motorcades.--Upon any roadway outside of an urban district, motor vehicles being driven in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy space without danger. This subsection does not apply to funeral processions, which shall not be interrupted by any vehicle other than an emergency vehicle.

(Aug. 5, 1991, P.L.238, No.26, eff. imd.)

1991 Amendment. Act 26 amended subsec. (c).

Cross References. Section 3310 is referred to in sections 1535, 1603, 3326, 3327 of this title.

§ 3311. Driving on divided highways.

(a) General rule.--Whenever any highway has been divided into two or more roadways by leaving an intervening space, physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices, police officers or appropriately attired persons authorized to direct, control or regulate traffic. No vehicle shall be driven over, across or within any such dividing space, barrier or section except through an opening in the physical barrier or dividing section or space or at a crossover or intersection as established.

(b) Traffic-control devices regulating turns.--Whenever necessary for the protection and safety of traffic, official traffic-control devices may be installed at an opening in the physical barrier or dividing section or space or at a crossover or intersection prohibiting or regulating a turn or turns as may be necessary pursuant to the authority of this title.

§ 3312. Limited access highway entrances and exits.

No person shall drive a vehicle onto or from any limited access highway except at such entrances and exits as are established by public authority.

Cross References. Section 3312 is referred to in section 3327 of this title.

§ 3313. Restrictions on use of limited access highways.

(a) General rule.--The department may regulate or prohibit the use of any limited access highway by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

(b) Traffic-control devices at entrances.--The department, when adopting any prohibition under this section, shall erect and maintain official traffic-control devices at the entrances to the limited access highway on which the prohibitions are applicable and when in place no person shall disobey the restrictions stated on the devices.

(c) Motorcycles.--Except on busways in counties of the first or second class, motorcycles may be operated upon any limited access highway in an urban district in a lane specified for multioccupant vehicles or car pools, except where the department can demonstrate that such use will create a safety hazard.

(d) Driving in right lane.--

(1) Except as provided in paragraph (2) and unless otherwise posted, upon all limited access highways having two or more lanes for traffic moving in the same direction, all vehicles shall be driven in the right-hand lanes when available for traffic except when any of the following conditions exist:

(i) When overtaking and passing another vehicle proceeding in the same direction.

(ii) When traveling at a speed greater than the traffic flow.

(iii) When moving left to allow traffic to merge.

(iv) When preparing for a left turn at an intersection, exit or into a private road or driveway when such left turn is legally permitted.

(2) Unless otherwise posted, no vehicle or combination over 10,000 pounds may be driven in the left-hand lane of a limited access highway having three or more lanes for traffic moving in the same direction except when preparing for a left turn at an intersection, an exit or into a private road or driveway when such left turn is legally permitted.

(Apr. 29, 1994, P.L.148, No.25, eff. 60 days; June 25, 1999, P.L.164, No.23, eff. 180 days; June 26, 2001, P.L.734, No.75, eff. 60 days)

2001 Amendment. Act 75 amended subsec. (d).

1994 Amendment. Act 25 added subsec. (c).

§ 3314. Prohibiting use of hearing impairment devices.

(a) General rule.--No driver shall operate a vehicle while wearing or using one or more headphones or earphones.

(b) Exception.--This section does not prohibit the use of hearing aids or other devices for improving the hearing of the driver, nor does it prohibit the use of a headset in conjunction with a cellular telephone that only provides sound through one ear and allows surrounding sounds to be heard with the other ear, nor does it prohibit the use of communication equipment by the driver of an emergency vehicle or by motorcycle operators complying with section 3525 (relating to protective equipment for motorcycle riders).

(Mar. 29, 1984, P.L.159, No.31, eff. imd.; May 20, 1993, P.L.30, No.10, eff. 60 days; July 6, 1995, P.L.315, No.48, eff. 60 days)

§ 3315. Passing and overtaking streetcars.

(a) General rule.--Notwithstanding any other provision of this subchapter, the driver of a vehicle may not overtake and pass to the left of a streetcar proceeding in the same direction, whether the streetcar is actually in motion or temporarily halted to receive or discharge passengers, if overtaking or passing requires driving in a lane normally used by traffic moving in the opposite direction.

(b) Streetcar stopped to receive or discharge passengers.--The driver of a vehicle may not overtake and pass a streetcar which has stopped to receive or discharge passengers on the side on which passengers board or alight until the doors of the streetcar are closed and passengers who are discharged have reached the side of the highway.

(c) Applicability.--This section shall not be applicable to locations where streetcars are operating on tracks located within a median section of the roadway separated from the roadway by curbs or other physical barriers.

(May 11, 2006, P.L.159, No.37, eff. 60 days)

2006 Amendment. Act 37 added section 3315.

§ 3316. Prohibiting text-based communications.

(a) Prohibition.--No driver shall operate a motor vehicle on a highway or trafficway in this Commonwealth while using an interactive wireless communications device to send, read or write a text-based communication while the vehicle is in motion. A person does not send, read or write a text-based communication when the person reads, selects or enters a telephone number or name in an interactive wireless communications device for the purpose of activating or deactivating a voice communication or a telephone call.

(b) (Reserved).

(c) Seizure.--The provisions of this section shall not be construed as authorizing the seizure or forfeiture of an interactive wireless communications device, unless otherwise provided by law.

(d) Penalty.--A person who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50.

(e) Preemption of local ordinances.--In accordance with section 6101 (relating to applicability and uniformity of title), this section supersedes and preempts all ordinances of any municipality with regard to the use of an interactive wireless communications device by the driver of a motor vehicle.

(f) Definition.--As used in this section, the term "text-based communication" means a text message, instant message, electronic mail or other written communication composed or received on an interactive wireless communications device.

(Nov. 9, 2011, P.L.406, No.98, eff. 120 days)

2011 Amendment. Act 98 added section 3316.

SUBCHAPTER B
RIGHT-OF-WAY

Sec.

3321. Vehicle approaching or entering intersection.

3322. Vehicle turning left.

3323. Stop signs and yield signs.

3324. Vehicle entering or crossing roadway.

3325. Duty of driver on approach of emergency vehicle.

3326. Duty of driver in construction and maintenance areas or on highway safety corridors.

3327. Duty of driver in emergency response areas.

3328. Unmarked police vehicles.

§ 3321. Vehicle approaching or entering intersection.

(a) General rule.--When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(b) Exception.--The right-of-way rule established in subsection (a) is not applicable:

(1) on through highways, where the traffic on the through highway shall have the right-of-way;

(2) on limited-access highways, where the traffic on the limited-access highway shall have the right-of-way;

(3) in traffic circles, where the traffic in the traffic circle shall have the right-of-way; and

(4) as otherwise provided in this part.

(Dec. 11, 1986, P.L.1530, No.166, eff. 60 days)

Cross References. Section 3321 is referred to in section 1535 of this title.

§ 3322. Vehicle turning left.

The driver of a vehicle intending to turn left within an intersection or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close as to constitute a hazard.

Cross References. Section 3322 is referred to in sections 1535, 3301 of this title.

§ 3323. Stop signs and yield signs.

(a) Intersections controlled by signs.--Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in section 6124 (relating to erection of traffic-control devices at intersections).

(b) Duties at stop signs.--Except when directed to proceed by a police officer or appropriately attired persons authorized to direct, control or regulate traffic, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line or, if no stop line is present, before entering a crosswalk on the near side of the intersection or, if no crosswalk is present, then at the point nearest the intersecting roadway where the driver has a clear view of approaching traffic on the intersecting roadway before entering. If, after stopping at a crosswalk or clearly marked stop line, a driver does not have a clear view of approaching traffic, the driver shall after yielding the right-of-way to any pedestrian in the crosswalk slowly pull forward from the stopped position to a point where the driver has a clear view of approaching traffic. The driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute a hazard during the time when the driver is moving across or within the intersection or junction of roadways and enter the intersection when it is safe to do so.

(c) Duties at yield signs.--The driver of a vehicle approaching a yield sign shall in obedience to the sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop before entering a crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering. After slowing down or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute a hazard during the time the driver is moving across or within the intersection of roadways. If a driver is involved in a collision with a vehicle in the intersection or junction of roadways after driving past a yield sign, the collision shall be deemed prima facie evidence of failure of the driver to yield the right-of-way.

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

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

Cross References. Section 3323 is referred to in sections 1535, 3112, 3114, 3326, 3327 of this title.

§ 3324. Vehicle entering or crossing roadway.

The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed.

Cross References. Section 3324 is referred to in section 1535 of this title.

§ 3325. Duty of driver on approach of emergency vehicle.

(a) **General rule.**--Upon the immediate approach of an emergency vehicle making use of an audible signal and visual signals meeting the requirements and standards set forth in regulations adopted by the department, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the emergency vehicle has passed, except when otherwise directed by a police officer or an appropriately attired person authorized to direct, control or regulate traffic. On one-way roadways a driver may comply by driving to the edge or curb which is nearest to the lane in which he is traveling.

(b) **Duty of operator of streetcar.**--Upon the approach of an emergency vehicle, the operator of every streetcar shall immediately stop the streetcar clear of any intersection and remain in that position until the emergency vehicle has passed, except when otherwise directed by a police officer or an appropriately attired person authorized to direct, control or regulate traffic.

(c) **Defense.**--It is a defense to prosecution under this section if the defendant can show by a preponderance of the evidence that the failure to stop immediately for a police officer was based on a good faith concern for personal safety. In determining whether the defendant has met this burden, the court may consider the following factors:

- (1) The time and location of the event.
 - (2) The type of vehicle used by the police officer.
 - (3) The defendant's conduct while being followed by the police officer.
 - (4) Whether the defendant stopped at the first available reasonably lighted or populated area.
 - (5) Any other factor considered relevant by the court.
- (June 26, 2001, P.L.734, No.75, eff. 60 days)

Cross References. Section 3325 is referred to in sections 3327, 3732, 3732.1 of this title.

§ 3326. Duty of driver in construction and maintenance areas or on highway safety corridors.

(a) **Areas indicated by traffic-control devices.**--The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any highway or utility construction or maintenance area indicated by official traffic-control devices placed in accordance with department regulations, including advanced warning signs or a vehicle having flashing or revolving yellow lights.

(b) **Work vehicles displaying flashing lights.**--The driver of a vehicle shall yield the right-of-way to any authorized vehicle obviously and actually engaged in work upon a highway whenever the vehicle displays flashing lights meeting the requirements and regulations promulgated by the department.

(c) **Fines to be doubled.**--For any of the following violations, when committed in an active work zone manned by workers acting in their official capacity or on a highway safety corridor designated under section 6105.1

(relating to designation of highway safety corridors), the fine shall be double the usual amount:

- Section 3102 (relating to obedience to authorized persons directing traffic).
- Section 3111 (relating to obedience to traffic-control devices).
- Section 3112 (relating to traffic-control signals).
- Section 3114 (relating to flashing signals).
- Section 3302 (relating to meeting vehicle proceeding in opposite direction).
- Section 3303 (relating to overtaking vehicle on the left).
- Section 3304 (relating to overtaking vehicle on the right).
- Section 3305 (relating to limitations on overtaking on the left).
- Section 3306 (relating to limitations on driving on left side of roadway).
- Section 3307 (relating to no-passing zones).
- Section 3309 (relating to driving on roadways laned for traffic).
- Section 3310 (relating to following too closely).
- Section 3323 (relating to stop signs and yield signs).
- Section 3326 (relating to duty of driver in construction and maintenance areas).
- Section 3361 (relating to driving vehicle at safe speed).
- Section 3362 (relating to maximum speed limits).
- Section 3702 (relating to limitations on backing).
- Section 3714 (relating to careless driving).
- Section 3736 (relating to reckless driving).
- Section 3802 (relating to driving under influence of alcohol or controlled substance).

(c.1) Applicability of subsection (c).--Fines under subsection (c) shall be doubled only if the active work zone or highway safety corridor where the violation occurred is posted with an official sign in accordance with this section.

(d) Notice.--

(1) Official traffic-control devices shall be appropriately placed to notify motorists that increased penalties apply for moving violations in active work zones signed in compliance with this subsection and subsection (e).

(2) Official traffic control devices shall be appropriately placed to notify motorists that increased penalties apply for moving violations in highway safety corridors.

(e) Posting.--Official traffic-control devices shall be erected at the beginning of an active work zone with a white strobe light or other unique, illuminated light or device. The light or device shall indicate that workers are present in the active work zone. The light or device shall be turned off if no workers are present. An official traffic-control device shall be erected immediately at the end of the active work zone indicating that workers are no longer present.

(July 5, 1989, P.L.164, No.30, eff. 60 days; July 6, 1995, P.L.315, No.48, eff. 60 days; Dec. 23, 2002, P.L.1982, No.229, eff. 6 months; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004)

2003 Amendment. Act 24 amended subsec. (c).

2002 Amendment. See section 21 of Act 229 in the appendix to this title for special provisions relating to promulgation of guidelines to implement Act 229.

Cross References. Section 3326 is referred to in section 1603 of this title.

§ 3327. Duty of driver in emergency response areas.

(a) General rule.--When approaching or passing an emergency response area, a person, unless otherwise directed by an emergency service responder, shall:

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

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

(b) Penalty.--Any person violating subsection (a) commits a summary offense and shall, upon conviction, pay a fine of not more than \$250.

(b.1) Suspension of operating privilege.--The department shall suspend the operating privilege of any person for 90 days upon receiving a certified record of the driver's conviction, adjudication of delinquency or admission into a preadjudication program for a violation of subsection (a), if the certified conviction indicates the violation resulted in serious bodily injury to another person. The license shall be surrendered in accordance with section 1540 (relating to surrender of license).

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

(d) Reports by emergency service responders.--

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

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

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

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

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

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

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

(e) Fines to be doubled.--In addition to any penalty as provided in subsection (b), the fine for any of the following violations when committed in an emergency response area manned by emergency service responders shall be double the usual amount:

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

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

Section 3114 (relating to flashing signals).

Section 3302 (relating to meeting vehicle proceeding in opposite direction).
Section 3303 (relating to overtaking vehicle on the left).
Section 3304 (relating to overtaking vehicle on the right).
Section 3305 (relating to limitations on overtaking on the left).
Section 3306 (relating to limitations on driving on left side of roadway).
Section 3307 (relating to no-passing zones).
Section 3310 (relating to following too closely).
Section 3312 (relating to limited access highway entrances and exits).
Section 3323 (relating to stop signs and yield signs).
Section 3325 (relating to duty of driver on approach of emergency vehicle).
Section 3361 (relating to driving vehicle at safe speed).
Section 3707 (relating to driving or stopping close to fire apparatus).
Section 3710 (relating to stopping at intersection or crossing to prevent obstruction).
Section 3714 (relating to careless driving).
Section 3736 (relating to reckless driving).
Section 3802 (relating to driving under influence of alcohol or controlled substance).

(e.1) Public awareness.--The department shall educate the public of the provisions of this section as it deems appropriate.

(f) Definition.--As used in this section, the term "emergency response area" means the area in which emergency service responders render emergency assistance to individuals on or near a roadway or a police officer is conducting a traffic stop or systematic check of vehicles or controlling or directing traffic as long as the emergency vehicle is making use of visual signals meeting the requirements of Subchapter D of Chapter 45. (June 26, 2001, P.L.734, No.75, eff. 60 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004; July 10, 2006, P.L.1086, No.113, eff. 60 days; Oct. 19, 2010, P.L.557, No.81, eff. 60 days)

2010 Amendment. Act 81 amended subsecs. (b.1) and (f). The preamble of Act 81 provided that Act 81 may be referred to as the Sgt. Michael C. Weigand Law.

Cross References. Section 3327 is referred to in sections 3732, 3732.1 of this title.

§ 3328. Unmarked police vehicles.

(a) General rule.--The Pennsylvania State Police, in consultation with the department, shall promulgate regulations for the use of unmarked vehicles by police officers. The regulations shall:

- (1) establish the procedure to be used by a police officer in an unmarked vehicle when stopping a motorist;
- (2) require the use of audible and visual signals which meet the requirements and standards set forth in this title and in regulations adopted by the department; and
- (3) establish requirements for the wearing of an official police uniform and the display of official police identification.

(b) Public awareness.--The Pennsylvania State Police and the department shall provide for the dissemination of information to the public regarding the use of unmarked vehicles. Such information shall accompany annual vehicle registration or vehicle registration renewal forms distributed by the department no earlier than July 1, 2002.

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

2001 Amendment. Act 75 added section 3328.

SUBCHAPTER C
TURNING, STARTING AND SIGNALS

Sec.

3331. Required position and method of turning.

3332. Limitations on turning around.

3333. Moving stopped or parked vehicle.

3334. Turning movements and required signals.

3335. Signals by hand and arm or signal lamps.

3336. Method of giving hand and arm signals.

§ 3331. Required position and method of turning.

(a) **Right turn.**--The driver of a vehicle intending to turn right shall approach the turn and make the turn as close as practicable to the right-hand curb or edge of the roadway.

(b) **Left turn.**--The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle. Whenever practicable, the left turn shall be made to the left of the center of the intersection and so as to leave the intersection or location in the extreme left-hand lane lawfully available to traffic moving in the same direction as the vehicle on the roadway being entered.

(c) **Compliance with traffic-control devices.**--The department and local authorities on highways under their respective jurisdictions may cause official traffic-control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles and when the devices are so placed no driver shall turn a vehicle other than as directed and required by the devices.

(d) **Two-way left turn lanes.**--Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic-control devices:

(1) A left turn shall not be made from any other lane.

(2) A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law.

(e) **Interference with pedalcycles.**--No turn by a driver of a motor vehicle shall interfere with a pedalcycle proceeding straight while operating in accordance with Chapter 35 (relating to special vehicles and pedestrians). (Feb. 2, 2012, P.L.27, No.3, eff. 60 days)

2012 Amendment. Act 3 added subsec. (e).

Cross References. Section 3331 is referred to in sections 3301, 3505, 6109 of this title.

§ 3332. Limitations on turning around.

(a) **General rule.**--The driver of any vehicle shall not turn the vehicle so as to proceed in the opposite direction unless the movement can be made in safety and without interfering with other traffic.

(b) **Turns on curves or grades.**--No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where the vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet.

Cross References. Section 3332 is referred to in section 1535 of this title.

§ 3333. Moving stopped or parked vehicle.

No person shall move a vehicle which is stopped, standing or parked unless and until the movement can be made with safety.

§ 3334. Turning movements and required signals.

(a) **General rule.**--Upon a roadway no person shall turn a vehicle or move from one traffic lane to another or enter the traffic stream from a parked position unless and until the movement can be made with reasonable safety nor without giving an appropriate signal in the manner provided in this section.

(b) **Signals on turning and starting.**--At speeds of less than 35 miles per hour, an appropriate signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning. The signal shall be given during not less than the last 300 feet at speeds in excess of 35 miles per hour. The signal shall also be given prior to entry of the vehicle into the traffic stream from a parked position.

(c) **Limitations on use of certain signals.**--The signals required on vehicles by section 3335(b) (relating to signals by hand and arm or signal lamps) shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

(d) **Discontinuing turn signals.**--Turn signals shall be discontinued immediately after completing the turn or movement from one traffic lane to another traffic lane.

§ 3335. Signals by hand and arm or signal lamps.

(a) **General rule.**--Any stop or turn signal shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in subsection (b).

(b) **Required signals by signal lamps.**--Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of the motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load exceeds 14 feet. The latter measurement shall apply to any single vehicle and to any combination of vehicles.

(c) **Exception.**--This section does not apply to a motor vehicle registered as an antique or classic vehicle which was not originally equipped with signal lamps.

Cross References. Section 3335 is referred to in section 3334 of this title.

§ 3336. Method of giving hand and arm signals.

All signals given by hand and arm shall be given from the left side of the vehicle in the following manner except as indicated for pedalcycles and motorcycles and the signals shall indicate as follows:

(1) For a left turn, the hand and arm shall be extended horizontally.

(2) For a right turn, the left hand and arm shall be extended upward, except that operators of motorcycles and pedalcycles may also be permitted to signal a right turn by extending the right hand and arm horizontally.

(3) To stop or decrease speed, the left hand and arm shall be extended downward.

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

SUBCHAPTER D
SPECIAL STOPS REQUIRED

Sec.

3341. Obedience to signal indicating approach of train.
3342. Vehicles required to stop at railroad crossings.
3343. Moving heavy equipment at railroad grade crossings.
3344. Emerging from alley, driveway or building.
3345. Meeting or overtaking school bus.
3346. Emergency vehicles entering or leaving official garage.

§ 3341. Obedience to signal indicating approach of train.

(a) **General rule.**--Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of the vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until it can be done safely. The foregoing requirements shall apply upon the occurrence of any of the following circumstances:

(1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train.

(2) A crossing gate is lowered or a flagman gives or continues to give a signal of the approach or passage of a railroad train.

(3) A railroad train approaching within approximately 1,500 feet of the highway crossing emits a signal audible from that distance and the railroad train, by reason of its speed or nearness to the crossing, is a hazard.

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.

(b) **Compliance with crossing gate or barrier.**--

(1) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed.

(2) No person shall start to drive a vehicle through, around or under a gate or barrier at the entrance to a railroad crossing while the gate or barrier is being opened or closed.

(c) **Penalties.**--A violation of subsection (a) constitutes a summary offense punishable by a fine of from \$50 to \$200. A violation of subsection (b) constitutes a summary offense punishable by a fine of from \$200 to \$500.

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

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

Cross References. Section 3341 is referred to in sections 1535, 1611, 3114 of this title.

§ 3342. Vehicles required to stop at railroad crossings.

(a) **General rule.**--Except as provided in subsection (c), the driver of any vehicle described in subsection (b), before crossing at grade any track or tracks of a railroad, shall stop the vehicle within 50 feet but not less than 15 feet from the nearest rail of the railroad crossing and while so stopped shall listen and look in both directions along the track for any approaching train, and for signals indicating the approach of a train. When it is safe to do so, the driver of the vehicle shall drive the vehicle across the tracks only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing the crossing. The driver shall not manually shift gears while crossing the track or tracks.

(b) **Vehicles subject to stopping requirement.**--Subsection (a) shall apply to the following vehicles:

(1) Any vehicle designated by the department in accordance with the provisions of subsection (d).

(2) A school bus, whether or not carrying passengers.

(3) Every truck and tractor combination which carries gasoline, diesel fuel, fuel oil, explosives or radioactive materials.

(4) Every bus transporting passengers.

(5) Any vehicle specified in 49 CFR 392.10(a) (relating to railroad grade crossings; stopping required) or any current amendment or modification to that section published by the United States Department of Transportation.

(c) Exceptions.--Subsection (a) does not apply at any of the following:

(1) Any railroad grade crossing at which traffic is controlled by a police officer or flagman, who indicates that the vehicle is not required to stop.

(2) Any railroad grade crossing at which traffic is regulated by a functioning highway traffic-control signal transmitting a green indication for the direction of travel of the vehicle.

(3) Any railroad grade crossing at which an official traffic-control device gives notice that the stopping requirement imposed by this section does not apply.

(4) Any abandoned railroad grade crossing which is marked by the former rail operator with a sign prescribed by the department indicating that the rail line is abandoned.

(5) An industrial or spur line railroad grade crossing marked with a sign reading "exempt." Such a sign shall be erected only by or with the consent of the Pennsylvania Public Utility Commission.

(d) Notice of vehicles subject to section.--The department shall publish in the Pennsylvania Bulletin a notice describing the vehicles which must comply with the stopping requirements of subsection (a). In developing the list of vehicles, the department shall give consideration to the hazardous nature of any substance carried by the vehicle as determined by the department and to the number of passengers carried by the vehicle in determining whether the vehicle shall be required to stop. This list of vehicles shall correlate with and so far as possible conform to the regulations of the United States Department of Transportation as amended from time to time.

(e) Use of vehicle hazard lights.--The driver of any vehicle mentioned in subsection (b)(2) and (3) shall activate the vehicle hazard lights when stopping at the railroad crossing.

(f) Penalty.--A violation of this section constitutes a summary offense punishable by a fine of from \$100 to \$150, except that a violation of subsection (b) or (e) shall be punishable by a fine of from \$200 to \$500.

(g) Requirement upon approaching tracks.--Upon approaching any track of a railroad, the driver of every commercial motor vehicle as defined by section 1603 (relating to definitions) other than those listed in subsection (b) shall:

(1) reduce the rate of speed of the commercial motor vehicle and check that the tracks are free of approaching trains; and

(2) stop the vehicle if the tracks are not clear.

(h) Railroad grade crossing.--No commercial motor vehicle may proceed onto a railroad grade crossing unless:

(1) there is sufficient space to drive completely through the crossing without stopping; and

(2) the vehicle has sufficient undercarriage clearance to allow the vehicle to drive completely through the railroad grade crossing without stopping.

(i) Traffic control.--No driver of a commercial motor vehicle may fail to obey a traffic control device or direction of an enforcement officer at a railroad grade crossing.

(July 9, 1986, P.L.544, No.96, eff. 60 days; Dec. 11, 1986, P.L.1530, No.166, eff. 60 days; Dec. 10, 1996, P.L.925, No.149, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; July 5, 2005, P.L.100, No.37; Oct. 24, 2012, P.L.1473, No.187, eff. 60 days)

2012 Amendment. Act 187 amended subsec. (g) and added subsecs. (h) and (i).

Cross References. Section 3342 is referred to in sections 1535, 1611 of this title.

§ 3343. Moving heavy equipment at railroad grade crossings.

(a) General rule.--No person shall operate or move any crawler-type tractor, power shovel, derrick, roller or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(b) Notice of intended crossing.--Notice of any intended crossing shall be given to an authorized representative of the railroad and a reasonable time be given to the railroad to provide proper protection at the crossing.

(c) Stopping at crossing.--Before making any crossing, the person operating or moving the vehicle or equipment shall first stop the vehicle or equipment not less than 15 feet nor more than 50 feet from the nearest rail of the railroad and while so stopped shall listen and look in both directions along the track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(d) Movement over crossing.--No crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. Movement over a crossing shall be under the direction of any flagman provided by the railroad.

Cross References. Section 3343 is referred to in section 1611 of this title.

§ 3344. Emerging from alley, driveway or building.

Unless otherwise directed by official traffic-control devices erected in accordance with provisions of Subchapter B of Chapter 31 (relating to traffic-control devices), the driver of a vehicle emerging from an alley, building, private road or driveway within an urban district shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building entrance, private road or driveway or, in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic.

Cross References. Section 3344 is referred to in section 1535 of this title.

§ 3345. Meeting or overtaking school bus.

(a) Duty of approaching driver when red signals are flashing.--Except as provided in subsection (g), the driver of a vehicle meeting or overtaking any school bus stopped on a highway or trafficway shall stop at least ten feet before reaching the school bus when the red signal lights on the school bus are flashing and the side stop signal arms are activated under section 4552(b.1) (relating to general requirements for school buses). The driver shall not proceed until the flashing red signal lights are no longer actuated. In no event shall a driver of a vehicle resume motion of the vehicle until the school children who may have alighted from the school bus have reached a place of safety. The driver of a vehicle approaching an intersection at which a school bus is stopped shall stop his vehicle at that intersection until the flashing red signal lights are no longer actuated.

(a.1) Reports by school bus operators.--

(1) The operator of a school bus who observes a violation of subsection (a) may prepare a signed, written report which indicates that a

violation has occurred. To the extent possible, the report shall include the following information:

(i) Information, if any, pertaining to the identity of the alleged violator.

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

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

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

(2) Within 48 hours after the violation occurs, the school bus operator shall deliver a copy of the report to a police officer having authority to exercise police power in the area where the violation occurred. If the police officer believes that the report establishes a sufficient basis for the issuance of a citation, the officer shall file a citation and the report with the issuing authority. If the issuing authority determines that the report and citation establish a sufficient basis for the issuance of a summons, a summons shall be issued in accordance with general rules governing the institution of proceedings in summary traffic offense cases. The issuing authority shall send the defendant a copy of the citation, together with a statement that it was filed by the police officer named in the citation on the basis of information received.

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

(b) Duty of approaching driver when amber signals are flashing.--The driver of a vehicle meeting or overtaking any school bus shall proceed past the school bus with caution and shall be prepared to stop when the amber signal lights are flashing.

(c) Use of red signals.--The red visual signals shall be actuated by the driver of every school bus whenever the vehicle is stopped on a highway or trafficway for the purpose of receiving or discharging school children, except as provided in subsections (e) and (f). The signals shall not be terminated until the school children who may have alighted from the school bus have reached a place of safety or until boarding school children have completed boarding the bus.

(d) Use of amber signals.--The amber visual signals shall be actuated by the driver of every school bus not more than 300 feet nor less than 150 feet prior to making a stop for the purpose of receiving or discharging school children and shall remain in operation until the red visual signals are actuated. Amber signals shall not be used unless the red visual signals are to be actuated immediately following.

(e) Limitations on use of signals.--The visual signals required in the regulations shall not be actuated on streets in urban districts designated by the department or local authorities, at intersections or other places where traffic is controlled by uniformed police officers or appropriately attired persons authorized to direct, control or regulate traffic, or in school bus loading areas designated by the department or local authorities when the bus is entirely off the roadway.

(f) Operation for nonschool purposes.--When a school bus is being operated upon a highway for purposes other than the actual transportation of school children to or from school or in connection with school activities, all markings indicating "SCHOOL BUS" shall be covered or concealed. During such operation, the flashing visual signals shall not be actuated.

(f.1) Use of school buses for transportation of disabled persons.--Whenever a school bus is being used upon a highway or trafficway for the transportation of disabled persons exclusively and the school bus is equipped

with red signal lights, the driver of the school bus may actuate the signal lights in the same manner as set forth in this section regarding the transportation of school children. The driver of a vehicle approaching the school bus shall have the same duties regarding stopping, passing and overtaking as he does with respect to a school bus carrying school children.

(g) Exceptions from stopping requirements.--The driver of a vehicle upon a highway or trafficway with separate roadways need not stop upon meeting or passing a school bus with actuated red signal lights which is on a different roadway.

(h) Loading zones for school children.--Every school district transporting school children by school bus shall establish and maintain school bus loading zones at or near all schools to or from which school children are transported and shall establish school bus loading zones along the highways and trafficways traversed by school buses in accordance with regulations promulgated by the department.

(i) Mandatory use of loading zones.--Whenever school bus loading zones have been established at or near a school or along a highway or trafficway, it is unlawful for a school bus operator to stop the bus to pick up or discharge school children at any location other than at the loading zones. A list of approved loading zones for the route of the bus shall be carried by the operator.

(j) Penalty.--A person who violates subsection (a) or (f.1) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$250.

(Mar. 29, 1984, P.L.155, No.30, eff. 60 days; Dec. 19, 1988, P.L.1290, No.163, eff. imd.; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Oct. 4, 2002, P.L.845, No.123, eff. 60 days)

2002 Amendment. Act 123 amended subsec. (j). Section 13 of Act 123 provided that the amendment of subsec. (j) shall apply to offenses committed on or after the effective date of section 13.

1998 Amendment. Act 151 amended subsecs. (a), (c), (f.1), (g), (h) and (i).

1984 Amendment. Act 30 added subsecs. (a.1) and (f.1) and amended subsec. (j).

Cross References. Section 3345 is referred to in sections 1535, 1553, 3101, 4552, 4553, 6506 of this title.

§ 3346. Emergency vehicles entering or leaving official garage.

If an emergency vehicle is leaving or returning to its garage and the emergency lights of the emergency vehicle are engaged, the driver of an approaching vehicle shall stop and give the emergency vehicle the right-of-way to leave or enter the garage and may not proceed until the emergency vehicle is safely out of the driver's path.

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

1998 Amendment. Act 151 added section 3346.

SUBCHAPTER E STOPPING, STANDING AND PARKING

Sec.

3351. Stopping, standing and parking outside business and residence districts.

3352. Removal of vehicle by or at direction of police.

3353. Prohibitions in specified places.

3354. Additional parking regulations.

Cross References. Subchapter E is referred to in section 3509 of this title.

§ 3351. Stopping, standing and parking outside business and residence districts.

(a) **General rule.**--Outside a business or residence district, no person shall stop, park or stand any vehicle, whether attended or unattended, upon the roadway when it is practicable to stop, park or stand the vehicle off the roadway. In the event it is necessary to stop, park or stand the vehicle on the roadway or any part of the roadway, an unobstructed width of the highway opposite the vehicle shall be left for the free passage of other vehicles and the vehicle shall be visible from a distance of 500 feet in each direction upon the highway.

(b) **Exception for disabled vehicles.**--This section and sections 3353 (relating to prohibitions in specified places) and 3354 (relating to additional parking regulations) do not apply to the driver of any vehicle which is disabled in such a manner and to such an extent that it is impossible to avoid stopping and temporarily leaving the vehicle in that position.

Cross References. Section 3351 is referred to in sections 3352, 6109 of this title.

§ 3352. Removal of vehicle by or at direction of police.

(a) **Outside business and residence districts.**--Whenever any police officer finds a vehicle in violation of any of the provisions of section 3351 (relating to stopping, standing and parking outside business and residence districts), the officer may move the vehicle, or cause the vehicle to be moved, or require the driver or other person in charge of the vehicle to move the vehicle, to a position off the roadway where the vehicle will not interfere unduly with the normal movement of traffic or constitute a safety hazard.

(b) **Unattended vehicle obstructing traffic.**--Any police officer may remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway or in any tunnel, in such position or under such circumstances as to interfere unduly with the normal movement of traffic or constitute a safety hazard.

(c) **Removal to garage or place of safety.**--Any police officer may remove or cause to be removed to the place of business of the operator of a wrecker or to a nearby garage or other place of safety any vehicle found upon a highway under any of the following circumstances:

(1) Report has been made that the vehicle has been stolen or taken without the consent of its owner.

(2) The person or persons in charge of the vehicle are physically unable to provide for the custody or removal of the vehicle.

(3) The person driving or in control of the vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before an issuing authority without unnecessary delay.

(4) The vehicle is in violation of section 3353 (relating to prohibitions in specified places) except for overtime parking.

(5) The vehicle has been abandoned as defined in this title. The officer shall comply with the provisions of Chapter 73 (relating to abandoned vehicles and cargos).

(d) **Notice to owner prior to removal.**--

(1) Prior to removal of an abandoned vehicle bearing a registration plate, current certificate of inspection or vehicle identification number plate by which the last registered owner of the vehicle can be determined, the police department shall send a notice by certified mail to the last registered owner of the vehicle informing the owner that unless the

vehicle is moved to a suitable location within seven days of the date notice is mailed, the vehicle will be removed under this section and held at a suitable facility where it may be reclaimed by the owner in accordance with the provisions of section 7306 (relating to payment of costs upon reclaiming vehicle). If the abandoned motor vehicle does not bear an identifiable registration plate, current certificate of inspection or vehicle identification number plate, the notice may be secured to the vehicle.

(2) If, within the seven-day period, the owner so requests, the owner shall be given an opportunity to explain to the police officer or department why the owner believes the vehicle should not be removed. If the police officer or department determines that the vehicle shall, nonetheless, be removed, the owner shall be given an additional 48 hours to remove the vehicle, have it removed or demand a hearing, which shall conform to the requirements of 2 Pa.C.S. Ch. 5 Subch. B (relating to practice and procedure of local agencies). The police officer or department shall inform the owner of the right to a hearing by delivering to the owner a notice warning the owner that, unless the vehicle is removed or a hearing is demanded, the owner shall be subject to the provisions of section 7306. If, as a result of the hearing, it is determined that the vehicle will be removed, the owner shall be given an additional 48 hours to remove the vehicle or have it removed. The hearing shall be before a civilian officer or employee of the municipality in which the vehicle is located.

(3) The provision for notice set forth in this subsection is applicable only if the vehicle is abandoned upon a highway and is not in violation of subsection (b) or section 3351(a) or 3353. Notice under this subsection is in addition to any other notice requirements provided in Chapter 73.

(4) This subsection does not apply to nonrepairable vehicles.
(Apr. 3, 1984, P.L.181, No.33, eff. 60 days; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days)

2002 Amendment. Act 152 amended subsecs. (c) and (d).

§ 3353. Prohibitions in specified places.

(a) General rule.--Except when necessary to avoid conflict with other traffic or to protect the safety of any person or vehicle or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

(1) Stop, stand or park a vehicle:

(i) On the roadway side of any vehicle stopped or parked at the edge or curb of a street except that:

(A) A pedalcycle may be parked as provided in section 3509(b)(2) (relating to parking).

(B) Standing or parking for the purpose of loading or unloading persons or property may be authorized by local ordinance, but the ordinance shall not authorize standing or parking on State designated highways except during off-peak traffic-flow hours as determined by department regulations.

(ii) On a sidewalk except that a pedalcycle may be parked as provided in section 3509(b)(2).

(iii) Within an intersection.

(iv) On a crosswalk.

(v) Between a safety zone and the adjacent curb within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official traffic-control devices.

(vi) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.

(vii) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.

(viii) On any railroad tracks.

(ix) In the area between roadways of a divided highway, including crossovers.

(x) At any place where official signs prohibit stopping.

(2) Stand or park a vehicle:

(i) In front of a public or private driveway.

(ii) Within 15 feet of a fire hydrant.

(iii) Within 20 feet of a crosswalk at an intersection.

(iv) Within 30 feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the site of a roadway.

(v) Within 20 feet of the driveway entrance to any fire station or, when properly sign posted, on the side of a street opposite the entrance to any fire station within 75 feet of the entrance.

(vi) Where the vehicle would prevent the free movement of a streetcar.

(vii) On a limited access highway unless authorized by official traffic-control devices.

(viii) At any place where official signs prohibit standing.

(ix) Within 30 feet upon the approach to a sign warning of the possible presence of a person with a disability in the vicinity of a roadway adjacent to the person's residence or the possible presence of a person with a disability frequently traversing the roadway at that location. This subparagraph shall not apply unless an enabling local ordinance has been passed. The ordinance may apply generally throughout the municipality or be site specific. The ordinance may specify the height of vehicles prohibited from parking in these locations. The enforcement of this subparagraph requires that a sign indicating the violation and amount of fine be posted at each applicable location. For purposes of this section, the term "disability" shall mean a hearing impairment or total or partial blindness.

(3) Park a vehicle:

(i) Within 50 feet of the nearest rail of a railroad crossing.

(ii) At any place where official signs prohibit parking.

(b) Unattended vehicle on private property.--

(1) No person shall park or leave unattended a vehicle on private property without the consent of the owner or other person in control or possession of the property except in the case of emergency or disablement of the vehicle, in which case the operator shall arrange for the removal of the vehicle as soon as possible.

(2) The provisions of this subsection shall not apply to private parking lots unless such lots are posted to notify the public of any parking restrictions and the operator of the vehicle violates such posted restrictions. For the purposes of this section "private parking lot" means a parking lot open to the public or used for parking without charge; or a parking lot used for parking with charge. The department shall define by regulation what constitutes adequate posting for public notice.

(c) Property owner may remove vehicle.--The owner or other person in charge or possession of any property on which a vehicle is parked or left unattended in violation of the provisions of subsection (b) may remove or have removed the vehicle at the reasonable expense of the owner of the vehicle. Such person who removes or has removed a vehicle left parked or

unattended in violation of the provisions of subsection (b) shall have a lien against the owner of the vehicle, in the amount of the reasonable value of the costs of removing the vehicle plus the costs of storage. Any city, borough, incorporated town or township may, by ordinance, provide for rates to be charged for removal of vehicles and for municipal regulation of authorized towing services. If storage charges are not set by the municipality, a maximum of \$25 per day may be charged for storage.

(d) Restrictions by appropriate authorities.--The department on State-designated highways and local authorities on any highway within their boundaries may by erection of official traffic-control devices prohibit, limit or restrict stopping, standing or parking of vehicles on any highway where engineering and traffic studies indicate that stopping, standing or parking would constitute a safety hazard or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic.

(e) Penalty.--Any person violating any provision of this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$50.

(Nov. 9, 1977, P.L.226, No.69, eff. imd.; Nov. 10, 1979, P.L.460, No.95, eff. imd.; Oct. 10, 1980, P.L.791, No.147, eff. imd.; Dec. 9, 2002, P.L.1278, No.152, eff. 60 days; July 2, 2004, P.L.497, No.58, eff. imd.)

2004 Amendment. Act 58 amended subsecs. (a)(2) and (e).

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

1980 Amendment. Act 147 amended subsec. (b).

1979 Amendment. Act 95 amended subsecs. (a)(1)(i) and (c).

Cross References. Section 3353 is referred to in sections 3351, 3352, 6109 of this title.

§ 3354. Additional parking regulations.

(a) Two-way highways.--Except as otherwise provided in this section, every vehicle standing or parked upon a two-way highway shall be positioned parallel to and with the right-hand wheels within 12 inches of the right-hand curb or, in the absence of a curb, as close as practicable to the right edge of the right-hand shoulder.

(b) One-way highways.--Except as otherwise provided in this section, every vehicle standing or parked upon a one-way highway shall be positioned parallel to the curb or edge of the highway in the direction of authorized traffic movement with its right-hand wheels within 12 inches of the right-hand curb or, in the absence of a curb, as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within 12 inches of the left-hand curb or, in the absence of a curb, as close as practicable to the left edge of the left-hand shoulder.

(c) Angle parking.--Local authorities may permit angle parking on any highway after an engineering and traffic study has determined that the highway is of sufficient width to permit angle parking without interfering with the free movement of traffic, except that on a State-designated highway prior approval of the department shall also be obtained.

(d) Person with a disability and disabled veterans.--

(1) When a motor vehicle bearing a person with a disability or severely disabled veteran plate or displaying a person with a disability or severely disabled veteran parking placard as prescribed in this title is being operated by or for the transportation of the person with a disability or severely disabled veteran, the driver shall be relieved of any liability for parking for a period of 60 minutes in excess of the legal parking period permitted by local authorities except where local ordinances or police regulations provide for the accommodation of heavy traffic during morning, afternoon or evening hours.

(2) At the request of a person with a disability or severely disabled veteran, local authorities may erect on the highway as close as possible

to the person's or veteran's place of residence a sign or signs indicating that that place is reserved for a person with a disability or severely disabled veteran, that no parking is allowed there by others, and that any unauthorized person parking there shall be subject to a fine and may be towed. The absence of a sign stating the penalty amount indicated in subsection (f) at parking spaces designated with an international symbol for access for persons with disabilities on a sign shall not preclude the enforcement of this subsection. A vehicle may only be towed under this paragraph if the parking space is posted with a sign indicating that vehicles in violation of this section may be towed.

(3) (i) Except for persons parking vehicles lawfully bearing a person with a disability or severely disabled veteran registration plate or displaying a person with a disability or severely disabled veteran parking placard when such vehicles are being operated by or for the transportation of a person with a disability or a severely disabled veteran, no person shall park a vehicle on public or private property reserved for a person with a disability or severely disabled veteran which property has been so posted in accordance with departmental regulations. Regulations shall require that parking spaces designated with an international symbol for access for persons with disabilities on a sign are posted with a sign stating the penalty amount indicated in subsection (f) and that vehicles in violation of the subsection may be towed and require that signs be replaced when they become either obsolete or missing with all costs to replace the necessary signs to be borne by the persons responsible for signing the particular location. The absence of a sign stating the penalty amount at parking spaces designated with an international symbol for access for persons with disabilities shall not preclude the enforcement of this subsection. A vehicle which is unlawfully parked in a designated person with a disability parking area may be removed from that area by towing and may be reclaimed by the vehicle owner upon payment of the towing costs. A vehicle may only be towed under this paragraph if the parking space is posted with a sign indicating that vehicles in violation of this section may be towed.

(ii) Local authorities shall have the power and may, by ordinance or resolution, authorize a person with a disability and severely disabled veterans to issue statements to violators or violating vehicles for violation of subparagraph (i). The form of the statement shall be as prescribed by the local authorities.

(iii) No occupancy or driveway permit may be issued to a person whose property is reserved for a person with a disability or a severely disabled veteran if the property is not posted with a sign stating the penalty amount indicated in subsection (f).

(e) Unauthorized use.--An operator of a vehicle bearing a person with a disability or severely disabled veteran plate or displaying a person with a disability or severely disabled veteran parking placard shall not make use of the parking privileges accorded to a person with a disability and severely disabled veterans under subsection (d)(3) unless the operator is a person with a disability or a severely disabled veteran or unless the vehicle is being operated for the transportation of a person with a disability or severely disabled veteran.

(e.1) Motorcycle parking.--Notwithstanding the provisions of section 6301 (relating to prosecutions under local ordinances superseded by title) regarding parking violations, a local ordinance may not prohibit nor cite as a violation the parallel or angle occupancy by one or more motorcycles in any parking space on any highway otherwise available for parking for other individual vehicles, provided that the space occupied by one or more motorcycles does not exceed the space within which a single vehicle must

park. In the instance of a violation applicable to any single vehicle, each motorcycle so parked shall be individually liable for any violation as if the motorcycle were the sole occupant of the parking space.

(f) Penalty.--A person violating subsection (a), (b) or (d)(1) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$15. A person violating subsection (d)(2) or (3) or (e) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$50 nor more than \$200. If a person is convicted under subsection (d)(2) or (3) in the absence of a sign stating the penalty amount, the fine imposed may not exceed \$50.

(g) Special penalty; disposition.--

(1) In addition to any other penalty imposed under this section, a person who is convicted of violating subsection (d)(2) or (3) shall be sentenced to pay a fine of \$50.

(2) All fines collected under this subsection shall be disposed of as follows:

(i) Ninety-five percent shall be paid to the Department of Revenue, transmitted to the Treasury Department and credited to the Department of Public Welfare for use for the Attendant Care Program.

(ii) Five percent shall be paid to the municipality in which the offense occurred.

(Nov. 9, 1977, P.L.226, No.69, eff. imd.; July 11, 1980, P.L.550, No.113, eff. 60 days; Mar. 29, 1984, P.L.159, No.31, eff. imd.; May 9, 1986, P.L.158, No.51, eff. 60 days; July 10, 1990, P.L.370, No.84, eff. 60 days; Dec. 18, 1992, P.L.1411, No.174, eff. 60 days; Dec. 28, 1994, P.L.1441, No.170, eff. 60 days; Oct. 4, 2002, P.L.845, No.123, eff. 60 days)

2002 Amendment. Act 123 amended subsecs. (d), (e), (f) and (g) and added subsec. (e.1).

Cross References. Section 3354 is referred to in sections 3351, 6109 of this title.

SUBCHAPTER F SPEED RESTRICTIONS

Sec.

- 3361. Driving vehicle at safe speed.
- 3362. Maximum speed limits.
- 3363. Alteration of maximum limits.
- 3364. Minimum speed regulation.
- 3365. Special speed limitations.
- 3366. Charging speed violations.
- 3367. Racing on highways.
- 3368. Speed timing devices.

Cross References. Subchapter F is referred to in section 6109 of this title.

§ 3361. Driving vehicle at safe speed.

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, nor at a speed greater than will permit the driver to bring his vehicle to a stop within the assured clear distance ahead. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway and when

special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

Cross References. Section 3361 is referred to in sections 1535, 3326, 3327, 3362, 3366, 3716 of this title.

§ 3362. Maximum speed limits.

(a) General rule.--Except when a special hazard exists that requires lower speed for compliance with section 3361 (relating to driving vehicle at safe speed), the limits specified in this section or established under this subchapter shall be maximum lawful speeds and no person shall drive a vehicle at a speed in excess of the following maximum limits:

(1) 35 miles per hour in any urban district.

(1.1) 65 miles per hour for all vehicles on freeways where the department has posted a 65-miles-per-hour speed limit.

(1.2) 25 miles per hour in a residence district if the highway:

(i) is not a numbered traffic route; and

(ii) is functionally classified by the department as a local highway.

(2) 55 miles per hour in other locations.

(3) Any other maximum speed limit established under this subchapter.

(b) Posting of speed limit.--

(1) No maximum speed limit established under subsection (a)(1), (1.2) or (3) shall be effective unless posted on fixed or variable official traffic-control devices erected in accordance with regulations adopted by the department which regulations shall require posting at the beginning and end of each speed zone and at intervals not greater than one-half mile.

(2) No maximum speed limit established under subsection (a)(1.1) shall be effective unless posted on fixed or variable official traffic-control devices erected after each interchange on the portion of highway on which the speed limit is in effect and wherever else the department shall determine.

(c) Penalty.--

(1) Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of:

(i) \$42.50 for violating a maximum speed limit of 65 miles per hour; or

(ii) \$35 for violating any other maximum speed limit.

(2) Any person exceeding the maximum speed limit by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour over the maximum speed limit.

(June 13, 1995, P.L.57, No.9, eff. 30 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; June 26, 2001, P.L.734, No.75, eff. 60 days)

2001 Amendment. Act 75 amended subsec. (a)(1.1).

1998 Amendment. Act 151 amended subsec. (b)(1) and added subsec. (a)(1.2).

1995 Amendment. See section 4 of Act 9 in the appendix to this title for special provisions relating to report on effect of increased speed limit.

Cross References. Section 3362 is referred to in sections 1535, 1538, 3326, 3363, 3716, 6108, 6109, 6506 of this title.

§ 3363. Alteration of maximum limits.

On highways under their respective jurisdictions, local authorities subject to section 6109(e) (relating to specific powers of department and local authorities) or the department, upon the basis of an engineering and traffic investigation, may determine that the maximum speed permitted under this subchapter is greater or less than is reasonable and safe under the conditions found to exist upon any such highway or part thereof and establish

a reasonable and safe maximum limit. The maximum speed limit may be made effective at all times or at times indicated and may vary for different weather conditions and other factors bearing on safe speeds. No maximum speed greater than 55 miles per hour shall be established under this section except on highways listed in section 3362(a)(1.1) (relating to maximum speed limits), where the maximum speed for all vehicles shall not be greater than 65 miles per hour.

(June 13, 1995, P.L.57, No.9, eff. 30 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days)

1995 Amendment. See section 4 of Act 9 in the appendix to this title for special provisions relating to report on effect of increased speed limit.

§ 3364. Minimum speed regulation.

(a) Impeding movement of traffic prohibited.--Except when reduced speed is necessary for safe operation or in compliance with law, no person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic.

(b) Slow moving vehicle to drive off roadway.--

(1) Except when reduced speed is necessary for safe operation or in compliance with law, whenever any person drives a vehicle upon a roadway having width for not more than one lane of traffic in each direction at less than the maximum posted speed and at such a slow speed as to impede the normal and reasonable movement of traffic, the driver shall, at the first opportunity when and where it is reasonable and safe to do so and after giving appropriate signal, drive completely off the roadway and onto the berm or shoulder of the highway. The driver may return to the roadway after giving appropriate signal only when the movement can be made in safety and so as not to impede the normal and reasonable movement of traffic.

(2) A pedalcycle may be operated at a safe and reasonable speed appropriate for the pedalcycle. A pedalcycle operator shall use reasonable efforts so as not to impede the normal and reasonable movement of traffic.

(c) Establishment of minimum speed limits.--At any other time when the department or local authorities under their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway impede the normal and reasonable movement of traffic, the department or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law. The minimum limit shall be effective when posted upon appropriate fixed or variable signs.

(Feb. 2, 2012, P.L.27, No.3, eff. 60 days)

2012 Amendment. Act 3 amended subsec. (b).

Cross References. Section 3364 is referred to in sections 4305, 6109 of this title.

§ 3365. Special speed limitations.

(a) Bridges and elevated structures.--

(1) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to the bridge or structure when the structure is posted with signs as provided in this subsection.

(2) The department and local authorities on highways under their respective jurisdictions may conduct a traffic and engineering investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that the structure cannot safely withstand vehicles traveling at the speed otherwise

permissible under this title, the department or local authority shall determine and declare the maximum speed of vehicles which the structure can safely withstand, and shall cause or permit official traffic-control devices stating the maximum speed to be erected and maintained before each end of the structure.

(3) Upon the trial of any person charged with a violation of this subsection, proof of the determination of the maximum speed by the department and the existence of the signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to the bridge or structure.

(b) School zones.--When passing through a school zone as defined and established under regulations of the department, no person shall drive a vehicle at a speed greater than 15 miles per hour. An official traffic-control device shall indicate the beginning and end of each school zone to traffic approaching in each direction. Establishment of a school zone, including its location and hours of operation, shall be approved by the department.

(c) Hazardous grades.--The department and local authorities on highways under their respective jurisdictions may conduct traffic and engineering investigations on grades which are considered hazardous. If the grade is determined to be hazardous, vehicles having a gross weight in excess of a determined safe weight may be further limited as to maximum speed and may be required to stop before proceeding downhill. The restrictions shall be indicated by official traffic-control devices erected and maintained according to regulations established by the department.

(c.1) Active work zones.--When passing through an active work zone, no person shall drive a vehicle at a speed greater than the posted limit. An official traffic-control device shall indicate the beginning and end of each active work zone to traffic approaching in each direction.

(d) Penalty.--

(1) Any person violating any provision of this section commits a summary offense and shall, upon conviction, be sentenced to pay:

(i) Except as set forth under subparagraph (ii), a fine of \$35.

(ii) For a violation of subsection (b), a fine of not more than \$500 if the person exceeds the maximum speed limit by more than 11 miles per hour.

(2) Any person exceeding a maximum speed limit established under this section by more than five miles per hour shall pay an additional fine of \$2 per mile for each mile in excess of five miles per hour in excess of the maximum speed limit.

(Oct. 10, 1980, P.L.791, No.147, eff. imd.; Dec. 23, 2002, P.L.1982, No.229; Dec. 8, 2004, P.L.1791, No.237, eff. 150 days)

2004 Amendment. Act 237 amended subsec. (d).

2002 Amendment. Act 229 amended subsec. (b) and added subsec. (c.1), effective in 60 days as to subsec. (b) and six months as to the remainder of the section. See section 21 of Act 229 in the appendix to this title for special provisions relating to promulgation of guidelines to implement Act 229.

Cross References. Section 3365 is referred to in sections 1535, 1603 of this title.

§ 3366. Charging speed violations.

In every charge of violation of a speed provision in this subchapter, except for a violation of section 3361 (relating to driving vehicle at safe speed), the citation or complaint shall specify the speed at which the defendant is alleged to have driven and the applicable speed limit.

§ 3367. Racing on highways.

(a) Definitions.--As used in this section the following words and phrases shall have the meanings given to them in this subsection:

"Drag race." The operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of the vehicle or vehicles within a certain distance or time limit.

"Race." The use of one or more vehicles in an attempt to outgain, outdistance or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long distance driving routes.

(b) General rule.--No person shall drive a vehicle on a highway in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test or exhibition.

(c) Permits for special activities.--The department or local authorities within their jurisdiction may issue permits for special activities which would otherwise be prohibited by this section.

(d) Penalty.--Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200.

Cross References. Section 3367 is referred to in sections 1532, 1542, 1553, 6503 of this title.

§ 3368. Speed timing devices.

(a) Speedometers authorized.--The rate of speed of any vehicle may be timed on any highway by a police officer using a motor vehicle equipped with a speedometer. In ascertaining the speed of a vehicle by the use of a speedometer, the speed shall be timed for a distance of not less than three-tenths of a mile.

(b) Testing of speedometers.--The department may appoint stations for testing speedometers and may prescribe regulations as to the manner in which the test shall be made. Speedometers shall have been tested for accuracy within a period of one year prior to the alleged violation and immediately upon change of tire size. A certificate from the station showing that the test was made, the date of the test and the degree of accuracy of the speedometer shall be competent and prima facie evidence of those facts in every proceeding in which a violation of this title is charged.

(c) Mechanical, electrical and electronic devices authorized.--

(1) Except as otherwise provided in this section, the rate of speed of any vehicle may be timed on any highway by a police officer using a mechanical or electrical speed timing device.

(2) Except as otherwise provided in paragraph (3), electronic devices such as radio-microwave devices (commonly referred to as electronic speed meters or radar) may be used only by members of the Pennsylvania State Police.

(3) Electronic devices which calculate speed by measuring elapsed time between measured road surface points by using two sensors and devices which measure and calculate the average speed of a vehicle between any two points may be used by any police officer.

(4) No person may be convicted upon evidence obtained through the use of devices authorized by paragraphs (2) and (3) unless the speed recorded is six or more miles per hour in excess of the legal speed limit. Furthermore, no person may be convicted upon evidence obtained through the use of devices authorized by paragraph (3) in an area where the legal speed limit is less than 55 miles per hour if the speed recorded is less

than ten miles per hour in excess of the legal speed limit. This paragraph shall not apply to evidence obtained through the use of devices authorized by paragraph (2) or (3) within a school zone or an active work zone.

(d) Classification, approval and testing of mechanical, electrical and electronic devices.--The department may, by regulation, classify specific devices as being mechanical, electrical or electronic. All mechanical, electrical or electronic devices shall be of a type approved by the department, which shall appoint stations for calibrating and testing the devices and may prescribe regulations as to the manner in which calibrations and tests shall be made. The certification and calibration of electronic devices under subsection (c)(3) shall also include the certification and calibration of all equipment, timing strips and other devices which are actually used with the particular electronic device being certified and calibrated. Electronic devices commonly referred to as electronic speed meters or radar shall have been tested for accuracy within a period of one year prior to the alleged violation. Other devices shall have been tested for accuracy within a period of 60 days prior to the alleged violation. A certificate from the station showing that the calibration and test were made within the required period and that the device was accurate shall be competent and prima facie evidence of those facts in every proceeding in which a violation of this title is charged.

(e) Distance requirements for use of mechanical, electrical and electronic devices.--Mechanical, electrical or electronic devices may not be used to time the rate of speed of vehicles within 500 feet after a speed limit sign indicating a decrease of speed. This limitation on the use of speed timing devices shall not apply to speed limit signs indicating school zones, bridge and elevated structure speed limits, hazardous grade speed limits and work zone speed limits.

(July 11, 1985, P.L.204, No.52, eff. 60 days; Mar. 27, 1986, P.L.71, No.24, eff. imd.; Dec. 23, 2002, P.L.1982, No.229, eff. 6 months; Nov. 26, 2008, P.L.1658, No.133, eff. 60 days)

2008 Amendment. Act 133 amended subsecs. (b) and (d).

2002 Amendment. Act 229 amended subsec. (c)(4). See section 21 of Act 229 in the appendix to this title for special provisions relating to promulgation of guidelines to implement Act 229.

1986 Amendment. Act 24 amended subsecs. (c) and (d).

1985 Amendment. Act 52 amended subsec. (c) and added subsec. (e).