

No. 2002-105

AN ACT

SB 1225

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions, for vehicles not requiring certificate of title and for vehicles exempt from registration; providing for electric personal assistive mobility devices; and further providing for driving upon sidewalk and for inspection station certificates of appointment.

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

Section 1. The definition of "motor vehicle" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding a definition to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Electric personal assistive mobility device" or "EPAMD." A self-balancing, two-nontandem-wheeled device designed to transport only one person with an electric propulsion system.

* * *

"Motor vehicle." A vehicle which is self-propelled except [one] ***an electric personal assistive mobility device or a vehicle*** which is propelled solely by human power or by electric power obtained from overhead trolley wires, but not operated upon rails.

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Section 2. Sections 1102 and 1302 of Title 75 are amended by adding paragraphs to read:

§ 1102. Vehicles not requiring certificate of title.

No certificate of title is required for:

* * *

(12) An electric personal assistive mobility device.

§ 1302. Vehicles exempt from registration.

The following types of vehicles are exempt from registration:

* * *

(20) An electric personal assistive mobility device.

Section 3. Chapter 35 of Title 75 is amended by adding a subchapter to read:

SUBCHAPTER E
ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES

Sec.

3581. Equipment.

3582. Pedalcycle helmets for certain persons.

3583. EPAMD prohibited on freeways.

§ 3581. Equipment.

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

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

§ 3582. Pedalcycle helmets for certain persons.

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

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

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

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

(e) Penalty.—Notwithstanding any other provisions of law, any violation of subsection (a) is punishable by a fine, including all penalties,

assessments and court costs imposed on the convicted person, not to exceed \$25. The parent or legal guardian having control or custody of a child under 12 years of age whose conduct violates this section shall be jointly and severally liable with the person for the amount of the fine imposed.

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

§ 3583. EPAMD prohibited on freeways.

No person shall operate an EPAMD on a freeway.

Section 4. Sections 3703 and 4724 of Title 75 are amended to read:

§ 3703. Driving upon sidewalk.

(a) General rule.—Except as provided in subsection (b) *or* (c), no person shall drive any vehicle except a human-powered vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

(b) Certain mobility-related devices for persons with disabilities.—Any municipality may permit the operation of a self-propelled wheelchair or an electrical mobility device on a sidewalk or sidewalk area for the specific purpose of giving persons with mobility-related disabilities the capability of transporting themselves. The municipality may impose such restrictions as are necessary to protect the interests of pedestrians and others using the sidewalk or sidewalk area.

(c) *Electric personal assistive mobility device (EPAMD).*—*Unless prohibited by ordinance, a municipality shall permit the operation of an electric personal assistive mobility device on a sidewalk or sidewalk area. A municipality may impose such restrictions as may be necessary to protect the interests of pedestrians and others using the sidewalk or sidewalk area.*

§ 4724. Suspension of certificates of appointment.

(a) General rule.—The department shall supervise and inspect official inspection stations and may suspend the certificate of appointment issued to a station which it finds is not properly equipped or conducted or which has violated or failed to comply with any of the provisions of this chapter or regulations adopted by the department. The department shall maintain a list of all stations holding certificates of appointment and of those whose certificates of appointment have been suspended. Any suspended certificate of appointment and all unused certificates of inspection shall be returned immediately to the department.

(b) Judicial review.—Any person whose certificate of appointment has been denied or suspended under this chapter shall have the right to appeal to the court vested with jurisdiction of such appeals by or pursuant to Title 42 (relating to judiciary and judicial procedure). The court shall set the matter for hearing upon 60 days' written notice to the department and take testimony and examine into the facts of the case and determine whether the petitioner is entitled to a certificate of appointment or is subject to

suspension of the certificate of appointment under the provisions of this chapter.

(c) Limitation.—The department prior to suspending a certificate of appointment of an official inspection station on the grounds of careless recordkeeping or the court on appeal from a suspension may consider the volume of inspections conducted by the inspection station and provide to the owner or operator of the inspection station the opportunity to correct any inaccurate records.

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

APPROVED—The 4th day of July, A.D. 2002.

MARK S. SCHWEIKER