

CHAPTER 37
MISCELLANEOUS PROVISIONS

Subchapter

- A. Offenses in General
- B. Serious Traffic Offenses
- C. Accidents and Accident Reports

Enactment. Chapter 37 was added June 17, 1976, P.L.162, No.81, effective July 1, 1977.

Cross References. Chapter 37 is referred to in section 1614 of this title.

SUBCHAPTER A
OFFENSES IN GENERAL

Sec.

- 3701. Unattended motor vehicle.
 - 3701.1. Leaving an unattended child in a motor vehicle.
- 3702. Limitations on backing.
- 3703. Driving upon sidewalk.
- 3704. Obstruction to driving view or mechanism.
- 3705. Opening and closing vehicle doors.
- 3706. Riding in house trailers, mobile homes or boats on trailers.
- 3707. Driving or stopping close to fire apparatus.
- 3708. Unauthorized driving over fire hose.
- 3709. Depositing waste and other material on highway, property or waters.
- 3710. Stopping at intersection or crossing to prevent obstruction.
- 3711. Unauthorized persons and devices hanging on vehicles.
- 3712. Abandonment of vehicles.
 - 3712.1. Restitution of property owners.
 - 3712.2. Stripping abandoned vehicles.
- 3713. Railroad trains not to block crossings.
- 3714. Careless driving.
- 3715. Restriction on alcoholic beverages (Repealed).
- 3716. Accidents involving overturned vehicles.
- 3717. Trespass by motor vehicle.
- 3718. Minor prohibited from operating with any alcohol in system.
- 3719. Passengers in open trucks.
- 3720. Snow and ice dislodged or falling from moving vehicle.

§ 3701. Unattended motor vehicle.

(a) General rule.--No person driving or in charge of a motor vehicle shall permit the vehicle to stand unattended without placing the gear shift lever in a position which under the circumstances impedes the movement of the vehicle, stopping the engine, locking the ignition in vehicles so equipped, removing the key from the ignition and, when standing upon any grade, turning the front wheels to the curb or side of the highway and effectively setting the brake.

(b) Penalty.--Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$5.

§ 3701.1. Leaving an unattended child in a motor vehicle.

(a) General rule.--A person driving or in charge of a motor vehicle may not permit a child under six years of age to remain unattended in the vehicle when the motor vehicle is out of the person's sight and under circumstances which endanger the health, safety or welfare of the child.

(a.1) Applicability.--This section shall apply to the highways and trafficways of this Commonwealth and, for the purposes of this section only, the term "trafficways" shall include, but not be limited to, parking lots.

(b) Penalty.--A person who violates this section commits a summary offense. It is a separate offense for each child left unattended.

(July 19, 1991, P.L.88, No.20, eff. 90 days; July 2, 1993, P.L.408, No.58, eff. 60 days; July 10, 2006, P.L.1086, No.113, eff. 60 days)

2006 Amendment. Act 113 amended subsec. (b).

1991 Amendment. Act 20 added section 3701.1.

§ 3702. Limitations on backing.

(a) General rule.--No driver shall back a vehicle unless the movement can be made with safety and without interfering with other traffic and then only after yielding the right-of-way to moving traffic and pedestrians.

(b) Limited access highways.--No driver shall back a vehicle upon any shoulder or roadway of any limited access highway.

Cross References. Section 3702 is referred to in sections 1535, 3326 of this title.

§ 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.

(July 13, 1987, P.L.303, No.56, eff. imd.; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; July 4, 2002, P.L.692, No.105, eff. 60 days)

§ 3704. Obstruction to driving view or mechanism.

No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle or whenever any person in the front seat is not seated.

§ 3705. Opening and closing vehicle doors.

No person shall open any door on a motor vehicle unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on a side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

§ 3706. Riding in house trailers, mobile homes or boats on trailers.

(a) General rule.--No person or persons shall occupy a house trailer, mobile home or boat on a trailer while it is being moved upon a highway.

(b) Towing prohibited.--No person shall tow on a highway a house trailer, mobile home or boat on a trailer occupied by a passenger or passengers.

(c) Exception for certain semitrailers.--A semitrailer which is attached to a truck in an articulating manner by means of a fifth wheel semitrailer coupling device attached to the carrying compartment of the truck may be occupied by a passenger or passengers. The coupling device shall have a two-inch or larger kingpin. All windows shall have safety glass. Some means of electrical or electronic communications approved by the department is required between the cab of the truck and the semitrailer.

§ 3707. Driving or stopping close to fire apparatus.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or stop the vehicle within 500 feet of any fire apparatus stopped in answer to a fire alarm.

Cross References. Section 3707 is referred to in section 3327 of this title.

§ 3708. Unauthorized driving over fire hose.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any highway, private road or driveway, for use at any fire or alarm of fire, without the consent of a fire department officer, a police officer or other appropriately attired person authorized to direct, control or regulate traffic at the scene.

§ 3709. Depositing waste and other material on highway, property or waters.

(a) General rule.--No person shall throw or deposit, upon any highway, or upon any other public or private property without the consent of the owner thereof or into or on the waters of this Commonwealth from a vehicle, any waste paper, sweepings, ashes, household waste, glass, metal, refuse or rubbish, or any dangerous or detrimental substance.

(b) Removal of deposited material.--

(1) Any person who drops, or permits to be dropped or thrown, upon any highway, or upon any other public or private property without the consent of the owner thereof or into or on any waters of this Commonwealth from a vehicle, any waste paper, sweepings, ashes, household waste, glass, metal, refuse or rubbish, or any dangerous or detrimental substance shall immediately remove the same or cause it to be removed.

(2) For the purposes of this subsection a "person who permits to be dropped or thrown" from a vehicle any of the items described in paragraph (1) shall include the driver of the vehicle and the registrant of any vehicle registered in this Commonwealth from which any of the items are dropped or thrown, either by the registrant or any person operating, in possession of or present within the vehicle with the permission of the registrant, regardless of the registrant's intent or lack of knowledge with respect to the disposal of such items in violation of this section where the registrant of the vehicle does not, with reasonable certainty, identify the driver of the vehicle at the time the violation occurred.

(c) Removal of material following accident.--Any person removing a wrecked, damaged or disabled vehicle from a highway shall remove from the highway or neutralize any glass, oil or other injurious substance resulting from the accident or disablement.

(d) Penalty.--Any person violating any of the provisions of subsection (a) or (b) commits a summary offense and shall, upon conviction, be sentenced to either or both of the following:

(1) To pay a fine of not more than:

(i) \$900 for a violation which occurs in an easement purchased under the program established by section 14.1 of the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law;

(ii) \$600 for a violation which occurs in an agricultural security area as defined in section 3 of the Agricultural Area Security Law; or

(iii) \$300 for a violation which occurs anywhere else.

(2) Except where infirmity or age or other circumstance would create a hardship, be directed by the court in which conviction is obtained to pick up and remove litter from public property or private property, or both, with prior permission of the legal owner. If the person has no prior record of convictions for violation of this section, he may be sentenced to pick up and remove litter for not less than eight hours nor more than 16 hours. Upon a second conviction, the person may be sentenced to pick up and remove litter for not less than 16 hours and not more than 32 hours. Upon third and subsequent convictions, he may be sentenced to pick up and remove litter for not less than 40 hours and not more than 80 hours. The court shall schedule the time to be spent on such activities in such a manner that it does not interfere with the person's employment and does not interfere substantially with the person's family responsibilities or religious obligations.

(e) Disposition of fines, etc.--Revenue from the collection of fines and bail forfeitures in the course of enforcement of this section shall be distributed in the following manner:

(1) One-half shall be distributed to the agency or local government unit which brought the action to enforce this section and may be used to defray the expenses of enforcing this section, at the option of the agency or local government unit.

(2) One-half shall be allocated to the department for Statewide public education and awareness programs to promote litter control and recycling and awareness of the provisions of this section.

(Mar. 27, 1986, P.L.71, No.24, eff. July 1, 1986; June 22, 2001, P.L.411, No.33, eff. 60 days)

2001 Amendment. Act 33 amended subsec. (d) intro. par. and (1).

1986 Amendment. Act 24 amended the section heading and subsecs. (a), (b) and (d) and added subsec. (e).

Cross References. Section 3709 is referred to in sections 1317, 1520 of this title.

§ 3710. Stopping at intersection or crossing to prevent obstruction.

No driver shall enter an intersection or a crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle operated without obstructing the passage of other vehicles, pedestrians or railroad trains notwithstanding any traffic-control signal indication to proceed.

Cross References. Section 3710 is referred to in section 3327 of this title.

§ 3711. Unauthorized persons and devices hanging on vehicles.

(a) General rule.--No person shall hang onto or ride on the outside or the rear end of any vehicle and no person on a pedalcycle, motorcycle, roller skates, sled or any similar device, shall hold fast to or attach the device to any moving vehicle or streetcar, and no operator of a vehicle or streetcar shall knowingly permit any person to hang onto or ride on the outside or rear end of the vehicle or streetcar operated, or allow any person on a pedalcycle, motorcycle, roller skates, sled or any similar device to hold fast or attach the device to the vehicle or streetcar operated on any highway.

(b) Exceptions.--This section is not applicable to firemen or garbage collectors or operators of fire trucks or garbage trucks or employees of public utility companies acting pursuant to and during the course of their duties or to other persons exempted by department regulations from the application of this section. This section does not prohibit attaching a trailer or semitrailer to a pedalcycle.

§ 3712. Abandonment of vehicles.

(a) Abandonment on highway.--No person shall abandon a vehicle upon any highway.

(b) Abandonment on public or private property.--No person shall abandon a vehicle upon any public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.

(c) Stripping abandoned vehicle.--(Deleted by amendment).

(d) Penalties.--

(1) Any person violating subsection (a) or (b):

(i) For a first offense, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$500 plus all costs of disposing of the vehicle under the provisions of Chapter 73 (relating to abandoned vehicles and cargos).

(ii) For a second offense, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$1,000 plus all costs of disposing of the vehicle under the provisions of Chapter 73.

(iii) For a third or subsequent offense, commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay all costs of disposing of the vehicle under the provisions of Chapter 73.

(2) In a case involving a violation of this section, the municipality in which the vehicle is located may file the complaint with the appropriate issuing authority.

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

Cross References. Section 3712 is referred to in section 7305 of this title.

§ 3712.1. Restitution of property owners.

Any person who abandons a vehicle on private property may be ordered to pay restitution for any damages sustained by the owner or other person in control or possession of the real property where the vehicle was abandoned.

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

2002 Amendment. Act 152 added section 3712.1.

§ 3712.2. Stripping abandoned vehicles.

(a) Offense defined.--

(1) Except as provided in paragraph (2), a person commits the offense of stripping an abandoned vehicle if the person intentionally removes any part of an abandoned vehicle.

(2) Paragraph (1) does not apply if the person:

(i) is the owner of the vehicle or the owner's agent; or

(ii) is authorized to make the removal under Chapter 73 (relating to abandoned vehicles and cargos).

(b) Penalties.--Any person violating subsection (a):

(1) For a first offense, commits a misdemeanor of the third degree.

(2) For a subsequent offense, commits a felony of the third degree.

(c) Complaints.--In a case involving a violation of this section, the municipality in which the vehicle is located may file the complaint with the appropriate issuing authority.

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

2002 Amendment. Act 152 added section 3712.2.

§ 3713. Railroad trains not to block crossings.

No person or government agency shall operate any train in such a manner as to prevent vehicular use of any roadway for a period of time in excess of five consecutive minutes except under any of the following circumstances:

(1) When necessary to comply with signals affecting the safety of the movement of trains.

(2) When necessary to avoid striking any object or person on the track.

(3) When the train is disabled.

(4) When the train is in motion except while engaged in switching operations.

(5) When there is no vehicular traffic waiting to use the crossings.

(6) When necessary to comply with a governmental safety regulation.

§ 3714. Careless driving.

(a) General rule.--Any person who drives a vehicle in careless disregard for the safety of persons or property is guilty of careless driving, a summary offense.

(b) Unintentional death.--If the person who violates this section unintentionally causes the death of another person as a result of the violation, the person shall, upon conviction, be sentenced to pay a fine of \$500.

(c) Serious bodily injury.--If the person who violates this section unintentionally causes the serious bodily injury of another person as a result of the violation, the person shall, upon conviction, be sentenced to pay a fine of \$250.

(d) Definition.--As used in this section, "serious bodily injury" means any bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

(May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990; Dec. 8, 2004, P.L.1791, No.237, eff. 150 days)

Cross References. Section 3714 is referred to in sections 1532, 1535, 3326, 3327, 3716 of this title.

§ 3715. Restriction on alcoholic beverages (Repealed).

2000 Repeal Note. Section 3715 was repealed June 22, 2000, P.L.469, No.64, effective September 1, 2000.

§ 3716. Accidents involving overturned vehicles.

(a) Speeding, careless driving, etc.--If a commercial motor vehicle overturns in an accident resulting from a violation of section 3361 (relating to driving vehicle at safe speed), 3362 (relating to maximum speed limits), 3714 (relating to careless driving) or 3802 (relating to driving under influence of alcohol or controlled substance), the operator of the vehicle shall, upon conviction of any of the aforementioned offenses, be sentenced to pay a fine of \$2,000, in addition to any other penalty authorized by law.

(b) Equipment violations.--If a commercial motor vehicle overturns in an accident resulting from a violation of section 4103 (relating to promulgation of vehicle equipment standards) or 4502 (relating to general requirements for braking systems), the owner or any responsible lessee of the vehicle shall, upon conviction of any of the aforementioned offenses, be sentenced to pay a fine of not less than \$500 nor more than \$1,500, in addition to any other penalty authorized by law.

(c) Miscellaneous.--If a commercial motor vehicle overturns in an accident resulting from a violation of section 4903 (relating to securing loads in vehicles) or 6103 (relating to promulgation of rules and regulations by department), the responsible party shall, upon conviction of the aforementioned offenses, be sentenced to pay a fine of not less than \$500 nor more than \$1,500, in addition to any other penalty authorized by law.

(d) Definitions.--As used in this section, the term "commercial motor vehicle" shall have the meaning ascribed in section 1603 (relating to definitions).

(May 30, 1990, P.L.173, No.42, eff. Nov. 1, 1990; June 22, 2001, P.L.559, No.37, eff. 60 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004)

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

1990 Amendment. Act 42 added section 3716.

§ 3717. Trespass by motor vehicle.

(a) General rule.--It is unlawful for a person to knowingly operate a motor vehicle on private real property other than a private road or driveway without consent of the owner or lessor of the real property.

(b) Operation of motor vehicle on private road or driveway prohibited.--Except when necessary as a result of emergency or when necessary to provide the operator a means of turning his vehicle around on portions of highways where no other means of turning around is provided, it is unlawful, without the consent of the owner or lessor, for a person to knowingly operate a motor vehicle on a private road or driveway. There shall be a rebuttable presumption that a person has knowingly violated this subsection if the owner or lessor of the road or driveway has placed, at or near the points of entry from public or private vehicular access, a gate, fence or similar obstruction or a readily visible sign that would reasonably convey that the unauthorized operation of motor vehicles on the road or driveway is prohibited.

(c) Damage to real property by operation of motor vehicle prohibited.--It is unlawful for a person to knowingly or recklessly cause damage to any real or personal property by means of the operation of a motor vehicle on private real property. There shall be a rebuttable presumption that a person has knowingly or recklessly caused damage under this subsection where digging, ground breakage or other damage to land, sod or soil or damage to trees, growing crops, ornamental flowers or shrubs or other similar flora affixed to the land or to structures, fixtures or personal property affixed to or located on the private real property has resulted from the operation of a motor vehicle on the private real property.

(d) Travel on cultivated land prohibited.--It is unlawful for a person to knowingly operate a motor vehicle on cultivated agricultural land of another without the consent of the owner or lessor. For purposes of this subsection, the term "cultivated agricultural land" includes land which is or has been recently groomed or prepared for the purpose of present or future commercial or private agricultural, silvicultural, horticultural or floricultural production, whether or not the land is currently in seed or sustaining growing crops. There shall be a rebuttable presumption that a person has knowingly operated a motor vehicle on cultivated agricultural land either if there are agricultural crops or residue from the crops visible on the land or if the owner or lessor of the land has placed near the roadside boundaries of the property visible signs which would easily convey to the operator of a motor vehicle that the land is cultivated agricultural land and that operation of a motor vehicle on it is prohibited.

(e) Offense defined.--The following penalties shall apply:

(1) A person who violates subsection (b) commits a summary offense and shall, upon conviction, be subject to a fine of \$100.

(2) A person who violates subsection (c) or (d) commits a summary offense and shall, upon conviction, be subject to the following penalties:

(i) A fine of \$500 for a first conviction of the offense.

(ii) A fine of \$1,000 plus suspension of operating privileges for a period of six months for a second or subsequent conviction of the offense. If a person is under 16 years of age at the time of the second or subsequent conviction of an offense, the period of suspension shall commence upon the person's 16th birthday.

(3) In addition, restitution shall be made for the value of damage to real or personal property which results from the violation of this section.

(f) Assessment of points.--A person whose operating privilege has been suspended pursuant to subsection (e) shall not be subject to assessment of points otherwise applicable under section 1545 (relating to restoration of operating privilege) upon restoration of privileges.

(g) Additional penalties.--This section is not intended nor shall this section be construed to preclude prosecution, conviction or imposition of penalties pursuant to other provisions of this title that may be applicable. (July 1, 1990, P.L.312, No.70, eff. 60 days)

1990 Amendment. Act 70 added section 3717.

Cross References. Section 3717 is referred to in section 7724 of this title.

§ 3718. Minor prohibited from operating with any alcohol in system.

(a) Offense defined.--Notwithstanding any other provision of this title, a minor shall not drive, operate or be in physical control of a motor vehicle while having any alcohol in his system.

(b) Penalty.--A person who violates subsection (a) commits a summary offense and shall, upon conviction, be

sentenced to pay a fine of \$100.

(c) Definition.--As used in this section, the term "minor" means a person under 21 years of age. (July 2, 1996, P.L.535, No.93, eff. 30 days; July 11, 1996, P.L.660, No.115, eff. 30 days)

1996 Amendments. Act 93 added section 3718 and Act 115 added section 3718. The amendments by Acts 93 and 115 are identical and therefore have been merged.

Cross References. Section 3718 is referred to in section 1532 of this title.

§ 3719. Passengers in open trucks.

(a) General rule.--An open-bed pickup truck or open flatbed truck may not be driven at a speed of more than 35 miles per hour if any person is occupying the bed of the truck.

(b) Children.--

(1) Such a truck may not be driven at any speed if a child less than 18 years of age is occupying the bed of the truck or trailer.

(2) This subsection shall not apply to:

(i) a child of a farmer who is being transported between parts of a farm or farms owned or operated by the farmer in order to perform work on the farm or farms;

(ii) a child possessing a valid hunting license who is being transported between a hunting camp and a hunting site or between hunting sites during hunting season;

(iii) a child who is a participant in an officially sanctioned parade, only during the course of the parade; or

(iv) a child employed to perform farm labor who is being transported between parts of a farm or farms owned or operated by the child's employer or employers.

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

1998 Amendment. Act 151 added section 3719.

§ 3720. Snow and ice dislodged or falling from moving vehicle.

When snow or ice is dislodged or falls from a moving vehicle and strikes another vehicle or pedestrian causing death or serious bodily injury as defined in section 3742 (relating to accidents involving death or personal injury), the operator of the vehicle from which the snow or ice is dislodged or falls shall be subject to a fine of not less than \$200 nor more than \$1,000 for each offense.

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

2006 Amendment. Act 37 added section 3720.

SUBCHAPTER B SERIOUS TRAFFIC OFFENSES

Sec.

3731. Driving under influence of alcohol or controlled substance (Repealed).

3731.1. Operators of commercial vehicles (Repealed).

3732. Homicide by vehicle.

3733. Fleeing or attempting to elude police officer.

3734. Driving without lights to avoid identification or arrest.

3735. Homicide by vehicle while driving under influence.

3735.1. Aggravated assault by vehicle while driving under the influence.

3736. Reckless driving.

Cross References. Subchapter B is referred to in sections 1542, 1553, 3101, 3104 of this title.

§ 3731. Driving under influence of alcohol or controlled substance (Repealed).

2003 Repeal Note. Section 3731 was repealed September 30, 2003, P.L.120, No.24, effective February 1,

2004. The subject matter is now contained in section 3802 of this title. Section 21(2) of Act 24 provided that the repeal of section 3731 shall not affect offenses committed prior to February 1, 2004, or civil and administrative penalties imposed as a result of those offenses.

§ 3731.1. Operators of commercial vehicles (Repealed).

1990 Repeal Note. Section 3731.1 was repealed May 30, 1990, P.L.173, No.42, effective November 1, 1990.
§ 3732. Homicide by vehicle.

(a) Offense.--Any person who recklessly or with gross negligence causes the death of another person while engaged in the violation of any law of this Commonwealth or municipal ordinance applying to the operation or use of a vehicle or to the regulation of traffic except section 3802 (relating to driving under influence of alcohol or controlled substance) is guilty of homicide by vehicle, a felony of the third degree, when the violation is the cause of death.

(b) Sentencing.--

(1) In addition to any other penalty provided by law, a person convicted of a violation of subsection (a) may be sentenced to an additional term not to exceed five years' confinement if at trial the prosecution proves beyond a reasonable doubt that the offense occurred in an active work zone as defined in section 102 (relating to definitions).

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

(3) The Pennsylvania Commission on Sentencing, pursuant to 42 Pa.C.S. § 2154 (relating to adoption of guidelines for sentencing), shall provide for a sentencing enhancement for an offense under this section when the violation occurred in an active work zone as defined in section 102.

(Dec. 15, 1982, P.L.1268, No.289, eff. 30 days; Dec. 20, 2000, P.L.772, No.108, 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. (a).

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 3732 is referred to in sections 1532, 1541, 1553, 1554, 1611 of this title; section 5551 of Title 42 (Judiciary and Judicial Procedure).

§ 3733. Fleeing or attempting to elude police officer.

(a) Offense defined.--Any driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police officer, when given a visual and audible signal to bring the vehicle to a stop, commits an offense as graded in subsection (a.2).

(a.1) Disposition of fines, etc.--The fines imposed and collected under subsection (a) shall not be subject to 42 Pa.C.S. § 3733 (relating to deposits into account). The fines imposed and collected under subsection (a) shall be distributed in the manner provided in 42 Pa.C.S. § 3571(b)(2) and (3) (relating to Commonwealth portion of fines, etc.).

(a.2) Grading.--

(1) Except as provided in paragraph (2), an offense under subsection (a) constitutes a misdemeanor of the second degree. Any driver upon conviction shall pay an additional fine of \$500. This fine shall be in addition to and not in lieu of all other fines, court expenses, jail sentences or penalties.

(2) An offense under subsection (a) constitutes a felony of the third degree if the driver while fleeing or attempting to elude a police officer does any of the following:

(i) commits a violation of section 3802 (relating to driving under influence of alcohol or controlled substance);

(ii) crosses a State line; or

(iii) endangers a law enforcement officer or member of the general public due to the driver engaging in a high-speed chase.

(b) Signal by police officer.--The signal given by the police officer may be by hand, voice, emergency lights or siren.

(c) Defenses.--

(1) It is a defense to a prosecution under this section that the pursuing police officer's vehicle was not clearly identifiable by its markings or, if unmarked, was not occupied by a police officer who was in

uniform and displaying a badge or other sign of authority.

(2) 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's vehicle was based upon a good faith concern for personal safety. In determining whether the defendant has met this burden, the court may consider the following factors:

- (i) The time and location of the event.
- (ii) The type of police vehicle used by the police officer.
- (iii) The defendant's conduct while being followed by the police officer.
- (iv) Whether the defendant stopped at the first available reasonably lighted or populated area.
- (v) Any other factor considered relevant by the court.

(Dec. 27, 1994, P.L.1337, No.154, eff. 180 days; June 26, 2001, P.L.734, No.75, eff. 60 days; July 10, 2006, P.L.1086, No.113, eff. 60 days)

2006 Amendment. Act 113 amended subsec. (a) and added subsec. (a.2). Act 113 overlooked the amendment by Act 75 of 2001, but the amendments do conflict in substance and have both been given effect in setting forth the text of subsec. (a).

2001 Amendment. Act 75 amended subsections. (a) and (c).

1994 Amendment. See section 5 of Act 154 in the appendix to this title for special provisions relating to appropriation of fines.

Cross References. Section 3733 is referred to in sections 1508, 1532, 6503 of this title.

§ 3734. Driving without lights to avoid identification or arrest.

Any person who drives without lights or turns off any or all the lights on a motor vehicle for the purpose of avoiding identification or arrest is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200.

Cross References. Section 3734 is referred to in sections 1532, 6503 of this title.

§ 3735. Homicide by vehicle while driving under influence.

(a) Offense defined.--Any person who unintentionally causes the death of another person as the result of a violation of section 3802 (relating to driving under influence of alcohol or controlled substance) and who is convicted of violating section 3802 is guilty of a felony of the second degree when the violation is the cause of death and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than three years. A consecutive three-year term of imprisonment shall be imposed for each victim whose death is the result of the violation of section 3802.

(b) Applicability of sentencing guidelines.--The sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory penalty of this section.

(Dec. 15, 1982, P.L.1268, No.289, eff. 30 days; Feb. 23, 1996, P.L.21, No.8, eff. 60 days; July 11, 1996, P.L.660, No.115, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004)

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

1996 Amendments. Act 115 overlooked the amendment by Act 8, but the amendments do not conflict in substance and have both been given effect in setting forth the text of section 3735.

Cross References. Section 3735 is referred to in sections 1532, 1541, 1553, 1554, 1575 of this title; sections 1725.3, 1725.5 of Title 42 (Judiciary and Judicial Procedure).

§ 3735.1. Aggravated assault by vehicle while driving under the influence.

(a) Offense defined.--Any person who negligently causes serious bodily injury to another person as the result of a violation of section 3802 (relating to driving under influence of alcohol or controlled substance) and who is convicted of violating section 3802 commits a felony of the second degree when the violation is the cause of the injury.

(b) Definition.--As used in this section, the term "serious bodily injury" means any bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

(Feb. 23, 1996, P.L.21, No.8, eff. 60 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004)

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

1996 Amendment. Act 8 added section 3735.1.

Cross References. Section 3735.1 is referred to in sections 1532, 1541, 1554 of this title; section 1725.3 of Title 42 (Judiciary and Judicial Procedure).

§ 3736. Reckless driving.

(a) General rule.--Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(b) Penalty.--Any person who violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200.

(May 30, 1990, P.L.173, No.42, eff. Apr. 1, 1992)

1990 Amendment. Act 42 added section 3736.

Cross References. Section 3736 is referred to in sections 1532, 3326, 3327 of this title.

SUBCHAPTER C ACCIDENTS AND ACCIDENT REPORTS

Sec.

3741. Application of subchapter.

3742. Accidents involving death or personal injury.

3742.1. Accidents involving death or personal injury while
not properly licensed.

3743. Accidents involving damage to attended vehicle or
property.

3743.1. Spilled cargo.

3744. Duty to give information and render aid.

3745. Accidents involving damage to unattended vehicle or
property.

3745.1. Accident scene clearance.

3746. Immediate notice of accident to police department.

3747. Written report of accident by driver or owner.

3748. False reports.

3749. Reports by coroners and medical examiners.

3750. Reports by garages.

3751. Reports by police.

3752. Accident report forms.

3753. Department to compile, tabulate and analyze accident
reports.

3754. Accident prevention investigations.

3755. Reports by emergency room personnel.

3756. Accidents involving certain vehicles.

3757. Compensation for incident removal costs.

Cross References. Subchapter C is referred to in section 1553 of this title.

§ 3741. Application of subchapter.

The provisions of this subchapter shall apply upon highways and trafficways throughout this Commonwealth.

§ 3742. Accidents involving death or personal injury.

(a) General rule.--The driver of any vehicle involved in an accident resulting in injury or death of any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 3744 (relating to duty to give information and render aid). Every stop shall be made without obstructing traffic more than is necessary.

(b) Penalties.--

(1) Except as otherwise provided in this section, any person violating this section commits a misdemeanor of the first degree.

(2) If the victim suffers serious bodily injury, any person violating subsection (a) commits a felony of the third degree, and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than 90 days and a mandatory minimum fine of \$1,000, notwithstanding any other provision of law.

(3) If the victim dies, any person violating subsection (a) commits a felony of the third degree, and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than one year and a mandatory minimum fine of \$2,500, notwithstanding any other provision of law.

(c) Authority of sentencing court.--There shall be no authority in any court to impose on an offender to which this section is applicable any lesser sentence than provided for in subsection (b)(2) or (3) or to place such offender on probation or to suspend sentence. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section.

(d) Definitions.--As used in this section, the term "serious bodily injury" means any bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

(Dec. 11, 1986, P.L.1530, No.166, eff. 60 days; Apr. 4, 1996, P.L.53, No.18, eff. 60 days)

1996 Amendment. Act 18 amended subsecs. (b), (c) and (d).

Cross References. Section 3742 is referred to in sections 1532, 1541, 1542, 1611, 3720, 3744, 3745.1 of this title; section 5551 of Title 42 (Judiciary and Judicial Procedure).

§ 3742.1. Accidents involving death or personal injury while not properly licensed.

(a) Offense defined.--A person whose operating privilege was disqualified, canceled, recalled, revoked or suspended and not restored or who does not hold a valid driver's license and applicable endorsements for the type and class of vehicle being operated commits an offense under this section if the person was the driver of any vehicle and caused an accident resulting in injury or death of any person.

(b) Penalties.--

(1) Except as otherwise provided in this section, any person violating subsection (a) commits a misdemeanor of the second degree.

(2) If the victim suffers serious bodily injury or death, any person violating subsection (a) commits a felony of the third degree.

(3) Any motor vehicle, as defined in section 102 (relating to definitions), used in the commission of an offense under this section may be deemed contraband and forfeited in accordance with the provisions set forth in 18 Pa.C.S. § 6501(d) (relating to scattering rubbish).

(c) Definitions.--As used in this section, the term "serious bodily injury" means any bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

(Feb. 23, 1996, P.L.21, No.8, eff. 60 days; July 11, 1996, P.L.660, No.115, eff. imd.; Dec. 21, 1998, P.L.1126, No.151, eff. 60 days; Nov. 30, 2004, P.L.1667, No.211, eff. 60 days)

2004 Amendment. Act 211 amended subsec. (a).

Cross References. Section 3742.1 is referred to in sections 1532, 1542, 1554, 1606 of this title.

§ 3743. Accidents involving damage to attended vehicle or property.

(a) General rule.--The driver of any vehicle involved in an accident resulting only in damage to a vehicle or other property which is driven or attended by any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 3744 (relating to duty to give information and render aid). Every stop shall be made without obstructing traffic more than is necessary.

(b) Penalty.--Any person violating this section commits a misdemeanor of the third degree, punishable by a fine of \$2,500 or imprisonment for not more than one year, or both.

(July 6, 1995, P.L.288, No.42, eff. 60 days)

1995 Amendment. Act 42 amended subsec. (b).

Cross References. Section 3743 is referred to in sections 1532, 1542, 1611, 1786, 3745.1 of this title.

§ 3743.1. Spilled cargo.

(a) General rule.--Immediately following an accident, a police officer may remove or direct removal of spilled cargo from any roadway to the nearest point off the roadway where the spilled cargo will not interfere with or obstruct traffic.

(b) Storage of cargo.--When, in the opinion of a police officer, it is necessary to protect the contents, load or spilled cargo of a wrecked vehicle from the elements, spoilage or theft, the police officer may remove or direct the removal of the contents or load or spilled cargo and have the same stored, at the expense of the owner, at the nearest practical place of storage.

(c) Liability for damage or loss.--In carrying out the provisions of this section, no liability shall attach to the police officer or, absent a showing of gross negligence, to any person acting under the direction of the police officer for damage to or loss of any portion of the contents or load or spilled cargo.

(Dec. 8, 2004, P.L.1791, No.237, eff. 150 days)

2004 Amendment. Act 237 added section 3743.1.

§ 3744. Duty to give information and render aid.

(a) General rule.--The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person shall give his name, address and the registration number of the vehicle he is driving, and shall upon request exhibit his driver's license and information relating to financial responsibility to any person injured in the accident or to the driver or occupant of or person attending any vehicle or other property damaged in the accident and shall give the information and upon request exhibit the license and information relating to financial responsibility to any police officer at the scene of the accident or who is investigating the accident and shall render to any person injured in the accident reasonable assistance, including the making of arrangements for the carrying of the injured person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that treatment is necessary or if requested by the injured person.

(b) Report of accident to police.--In the event that none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subsection (a) and no police officer is present, the driver of any vehicle involved in the accident after fulfilling all other requirements of section 3742 (relating to accidents involving death or personal injury) and subsection (a), insofar as possible on his part to be performed, shall forthwith report the accident to the nearest office of a duly authorized police department and submit to the police department the information specified in subsection (a).

(c) Duty of occupants if driver disabled.--Whenever the driver of a vehicle is physically unable to give the information or assistance required in this section and there are other occupants in the vehicle at the time of the accident who are physically able to give the information or assistance required in this section, each of the other occupants shall fully reveal the identity of himself and the identity of the driver of the vehicle and of the owner of the vehicle of which they are occupants and shall otherwise perform the duties of the driver as set forth in subsection (a).

(Feb. 12, 1984, P.L.26, No.11, eff. Oct. 1, 1984)

1984 Amendment. Act 11 amended subsec. (a).

Cross References. Section 3744 is referred to in sections 3742, 3743, 3745.1 of this title.

§ 3745. Accidents involving damage to unattended vehicle or property.

(a) General rule.--The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended resulting in any damage to the other vehicle or property shall immediately stop the vehicle at the scene of the accident or as close thereto as possible and shall then and there either locate and notify the operator or owner of the damaged vehicle or other property of his name, address, information relating to financial responsibility and the registration number of the vehicle being driven or shall attach securely in a conspicuous place in or on the damaged vehicle or other property a written notice giving his name, address, information relating to financial responsibility and the registration number of the vehicle being driven and shall without unnecessary delay notify the nearest office of a duly authorized police department. Every stop shall be made without obstructing traffic more than is necessary.

(b) Penalty.--A violation of this section is a summary offense, punishable by a fine of \$300 or imprisonment for not more than 90 days, or both.

(Feb. 12, 1984, P.L.26, No.11, eff. Oct. 1, 1984; July 10, 1984, P.L.679, No.146, eff. 60 days; July 6, 1995, P.L.288,

No.42, eff. 60 days)

1995 Amendment. Act 42 amended subsec. (b).

Cross References. Section 3745 is referred to in sections 1535, 1611, 3745.1, 6506 of this title.

§ 3745.1. Accident scene clearance.

(a) General rule.--Notwithstanding any other provision of law to the contrary, the driver of any vehicle in an accident that does not result in apparent serious injury or death shall immediately remove the vehicle from the roadway to a safe refuge on the shoulder, emergency lane or median or to a place otherwise removed from the roadway whenever, in the judgment of the driver:

(1) The motor vehicle does not require towing and can be normally and safely driven under its own power in its customary manner without further damage or hazard to the motor vehicle, traffic elements or the roadway.

(2) The motor vehicle can be moved safely.

(b) Driver request.--The driver of a motor vehicle involved in a traffic accident may request any individual who possesses a valid driver's license to remove the vehicle from the roadway in order to comply with this section. Such individual is not required to comply with the request and shall not be subject to any liability, either civil or criminal, for refusing the request.

(c) Police officers.--A police officer may immediately remove or direct removal of a wrecked vehicle if the owner or operator cannot remove the wrecked vehicle or refuses or fails to have the vehicle removed as required under this section. In carrying out the provisions of this subsection, no liability shall attach to the police officer or, absent a showing of gross negligence, to any person acting under the direction of the police officer for damage to any vehicle or damage to or loss of any portion of the contents of the vehicle.

(d) No liability.--The driver or any other person who has removed a vehicle from the roadway as provided in this section before the arrival of a law enforcement officer shall not be considered liable or at fault regarding the cause of the accident solely by reason of moving the vehicle pursuant to this section.

(e) Other driver duties.--Compliance with this section shall not affect a driver's duty to comply with section 3742 (relating to accidents involving death or personal injury), 3743 (relating to accidents involving damage to attended vehicle or property), 3744 (relating to duty to give information and render aid), 3745 (relating to accidents involving damage to unattended vehicle or property), 3746 (relating to immediate notice of accident to police department) or 3747 (relating to written report of accident by driver or owner).

(f) Other police duties.--This section shall not relieve any law enforcement officer of an investigating police department, including the Pennsylvania State Police, from complying with section 3746 or 3751 (relating to reports by police).

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

(Dec. 8, 2004, P.L.1791, No.237, eff. 150 days)

2004 Amendment. Act 237 added section 3745.1.

§ 3746. Immediate notice of accident to police department.

(a) General rule.--The driver of a vehicle involved in an accident shall immediately by the quickest means of communication give notice to the nearest office of a duly authorized police department if the accident involves:

(1) injury to or death of any person; or

(2) damage to any vehicle involved to the extent that it cannot be driven under its own power in its customary manner without further damage or hazard to the vehicle, other traffic elements, or the roadway, and therefore requires towing.

(b) Duty of occupant if driver disabled.--Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in subsection (a) and there is another occupant in the vehicle at the time of the accident capable of doing so, the occupant shall make or cause to be given the notice not given by the driver.

(c) Investigation by police officer.--Every accident reported to a police department required in this section shall be investigated by a police officer who shall provide each driver a signed statement that the accident was reported.

Cross References. Section 3746 is referred to in sections 1503, 1785, 3745.1, 3747 of this title.

§ 3747. Written report of accident by driver or owner.

(a) General rule.--If a police officer does not investigate an accident required to be investigated by section 3746 (relating to immediate notice of accident to police department), the driver of a vehicle which is in any manner involved in the accident shall, within five days of the accident, forward a written report of the accident to the department.

(b) Supplemental reports.--The department may require any driver of a vehicle involved in an accident of which written report must be made as provided in this section to file supplemental written reports whenever the original report is insufficient in the opinion of the department.

(c) Exception for disabled persons.--A written accident report is not required under this subchapter from any person who is physically incapable of making a report during the period of incapacity.

(d) Duty of owner if driver disabled.--Whenever the driver is physically incapable of making a written report of an accident as required in this section and the driver is not the owner of the vehicle, then the owner of the vehicle involved in the accident shall, within five days after the accident, make the report not made by the driver.

(e) Confidentiality of reports.--All written reports required in this section to be forwarded to the department by drivers or owners of vehicles involved in accidents shall be without prejudice to the individual so reporting and shall be for the confidential use of the department or any other governmental agency or their representatives having use for the records for accident prevention purposes, except that the department shall disclose the identity of a person involved in an accident when the identity is not otherwise known or when the person denies his presence at the accident and shall disclose whether any person or vehicle was covered by a vehicle insurance policy and the name of the insurer.

(f) Use of reports as evidence.--No accident reports forwarded under the provisions of this section shall be used as evidence in any trial, civil or criminal, arising out of an accident except that the department shall furnish upon demand of any party to the trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department in compliance with the law and, if the report has been made, the date, time and location of the accident, the names and addresses of the drivers and the owners of the vehicles involved. The reports may be used as evidence when necessary to prosecute charges filed in connection with a violation of section 3748 (relating to false reports).

(g) Compliance with other laws required.--This section does not affect the duty of filing accident reports required by any other statute or regulations made thereunder.

Cross References. Section 3747 is referred to in section 3745.1 of this title.
§ 3748. False reports.

Any person who gives information in oral or written reports required by this subchapter knowing or having reason to believe that the information is false is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200.

Cross References. Section 3748 is referred to in sections 3747, 6503 of this title.
§ 3749. Reports by coroners and medical examiners.

(a) General rule.--Every coroner or medical examiner in this Commonwealth shall report in writing to the department within five days of certification the death of any person resulting from a vehicle accident, giving the time and place of accident and the circumstances relating thereto. These reports shall be made on forms prepared by the department. Every coroner or medical examiner shall retain a copy of the reports in his office for a period of two years.

(b) Blood and urine samples.--The coroners or medical examiners of each county in this Commonwealth shall take blood or urine samples or both from the bodies of all drivers and of all pedestrians over 15 years of age who die within four hours following an accident and shall, within ten days of the accident, transmit the samples to the Governor's Council on Drug and Alcohol Abuse. This subsection shall be applicable to all occupants over 15 years of age if the driver of the vehicle cannot be determined.

(c) Regulations for testing samples.--The Governor's Council on Drug and Alcohol Abuse shall establish and promulgate rules and regulations for the testing of the blood and urine samples authorized to be taken from dead bodies under this section.

Governor's Council on Drug and Alcohol Abuse. The Governor's Council on Drug and Alcohol Abuse is now known as the Pennsylvania Advisory Council on Drug and Alcohol Abuse and is designated as the advisory council to the Department of Health for drug and alcohol programs. See section 3 of the act of April 14, 1972 (P.L.221,

No.63), known as the Pennsylvania Drug and Alcohol Abuse Control Act.

§ 3750. Reports by garages.

The person in charge of any garage or repair shop to which is brought a vehicle which shows evidence of having been struck by any bullet shall report to the nearest office of a duly authorized police department within 24 hours after the vehicle is received by the garage or repair shop, giving the year, make and model name of the vehicle, the vehicle identification number, the registration plate number and address of the owner or driver of the vehicle.

§ 3751. Reports by police.

(a) General rule.--Every police department that investigates a vehicle accident for which a report must be made as required in this subchapter and prepares a written report as a result of an investigation either at the time and at the scene of the accident or thereafter by interviewing the participants or witnesses shall, within 15 days of the accident, forward an initial written report of the accident to the department. If the initial report is not complete, a supplemental report shall be submitted at a later date.

(b) Furnishing copies of report.--

(1) Police departments shall, upon request, furnish a certified copy of the full report of the police investigation of any vehicle accident to any person involved in the accident, his attorney or insurer, and to the Federal Government, branches of the military service, Commonwealth agencies, and to officials of political subdivisions and to agencies of other states and nations and their political subdivisions.

(2) Except as provided in paragraph (3), the cost of furnishing a copy of a report under this subsection shall not exceed \$15.

(3) In a city of the first class, the cost of furnishing a copy of a report under this subsection shall not exceed \$25.

(4) The copy of the report shall not be admissible as evidence in any action for damages or criminal proceedings arising out of a motor vehicle accident.

(5) Police departments may refuse to furnish the complete copy of investigation of the vehicle accident whenever there are criminal charges pending against any persons involved in the vehicle accident unless the Pennsylvania Rules of Criminal Procedure require the production of the documents.

(June 11, 1992, P.L.266, No.47, eff. 60 days; May 20, 1993, P.L.30, No.10, eff. 60 days; Nov. 30, 2004, P.L.1667, No.211, eff. 60 days)

2004 Amendment. Act 211 amended subsec. (b).

1993 Amendment. Act 10 overlooked the amendment to subsec. (a) by Act 47 of 1992, but the amendments do not conflict in substance and have both been given effect in setting forth the text of subsec. (a).

Cross References. Section 3751 is referred to in sections 1535, 3745.1 of this title; section 1392 of Title 53 (Municipalities).

§ 3752. Accident report forms.

(a) Form and content.--The department shall prepare and upon request supply to all law enforcement agencies and other appropriate agencies or individuals, forms for written accident reports as required in this subchapter suitable with respect to the persons required to make the reports and the purposes to be served. The written report forms shall call for sufficiently detailed information to disclose with reference to a vehicle accident the cause, conditions then existing and the persons and vehicles involved. Reports for use by the drivers and owners shall also provide for information relating to financial responsibility.

(b) Use.--Every accident report required to be made in writing shall be made on the appropriate form approved by the department and shall contain all the information required therein unless not available.

§ 3753. Department to compile, tabulate and analyze accident reports.

(a) Central accident records agency.--The department shall establish a central accident records agency which shall be the repository for all reportable traffic accidents as defined in this subchapter. The agency will have primary responsibility for the administration and supervision of storing, processing and providing the informational needs to all official agencies having responsibility in the highway transportation system. Accident reports submitted to the department under this subchapter shall be considered as records of the department, and the department may use any of the methods of storage permitted under the provisions of 42 Pa.C.S. § 6109 (relating to photographic copies of business and public records) and may reproduce such documents in accordance with the provisions of 42 Pa.C.S. § 6103 (relating to proof of official records). Such reports shall be admissible into evidence to support the department's case in an appeal of a department action that a licensee or registrant has taken under section 1377

(relating to judicial review) or 1550 (relating to judicial review), and the certification shall constitute prima facie proof of the facts and information contained in the accident report.

(b) Central accident analysis system.--The department shall provide accident data for analysis in selecting crash prevention programs and in evaluating the effectiveness of those programs implemented. The system shall provide an annual report to the General Assembly assessing traffic safety in Pennsylvania, including, but not limited to, an analysis of accident characteristics and mitigation strategies to reduce the potential for future accidents. In addition, the system shall be capable of providing:

(1) An annual statistical summary of motor vehicle accidents including multidimensional distribution for such factors as type, time and location of accident, road and weather conditions, type of traffic control, and condition and actions of operators and type and condition of the vehicles.

(2) Accident frequency histories for special highway locations.

(3) Comparative site-specific and route-specific accident data, including, but not limited to, accident rates, capsule summary listings, engineering extracts, location priority reports, cluster reports and maps depicting accident rates or frequencies for use in conducting in-depth accident investigations or safety studies.

(4) Evaluation of speed, driving under the influence, safety belts and other safety provisions of this title to aid the department and the General Assembly in determining when changes are desirable.

(5) Statistical analyses of the relationship between driver characteristics and behavior and accident involvement. These analyses shall include frequency and severity of crashes by drivers grouped by major violation category and frequency.

(6) An evaluation of legal or departmental actions as related to driver improvement and accident reduction.

(c) Highway safety statistics.--The department may compile such other statistics for such purposes as it might deem helpful in advancing highway safety.

(Dec. 28, 1994, P.L.1450, No.172, eff. 60 days; Dec. 21, 1998, P.L.1126, No.151, eff. imd.)

1998 Amendment. Act 151 amended the section heading and subsec. (a).

1994 Amendment. Act 172 amended subsec. (b).

§ 3754. Accident prevention investigations.

(a) General rule.--The department, in association with the Pennsylvania State Police, may conduct in-depth accident investigations and safety studies of the human, vehicle and environmental aspects of traffic accidents for the purpose of determining the causes of traffic accidents and the improvements which may help prevent similar types of accidents or increase the overall safety of roadways and bridges.

(b) Confidentiality of reports.--In-depth accident investigations and safety studies and information, records and reports used in their preparation shall not be discoverable nor admissible as evidence in any legal action or other proceeding, nor shall officers or employees or the agencies charged with the development, procurement or custody of in-depth accident investigations and safety study records and reports be required to give depositions or evidence pertaining to anything contained in such in-depth accident investigations or safety study records or reports in any legal action or other proceeding.

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

§ 3755. Reports by emergency room personnel.

(a) General rule.--If, as a result of a motor vehicle accident, the person who drove, operated or was in actual physical control of the movement of any involved motor vehicle requires medical treatment in an emergency room of a hospital and if probable cause exists to believe a violation of section 3802 (relating to driving under influence of alcohol or controlled substance) was involved, the emergency room physician or his designee shall promptly take blood samples from those persons and transmit them within 24 hours for testing to the Department of Health or a clinical laboratory licensed and approved by the Department of Health and specifically designated for this purpose. This section shall be applicable to all injured occupants who were capable of motor vehicle operation if the operator or person in actual physical control of the movement of the motor vehicle cannot be determined. Test results shall be released upon request of the person tested, his attorney, his physician or governmental officials or agencies.

(b) Immunity from civil or criminal liability.--No physician, nurse or technician or hospital employing such physician, nurse or technician and no other employer of such physician, nurse or technician shall be civilly or criminally liable for withdrawing blood or obtaining a urine sample and reporting test results to the police pursuant to this section or for performing any other duty imposed by this section. No physician, nurse or technician or

hospital employing such physician, nurse or technician may administratively refuse to perform such tests and provide the results to the police officer except as may be reasonably expected from unusual circumstances that pertain at the time of admission.

(Dec. 15, 1982, P.L.1268, No.289, eff. 30 days; Feb. 12, 1984, P.L.53, No.12, eff. 60 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004)

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

1984 Amendment. Act 12 amended subsec. (b).

1982 Amendment. Act 289 added section 3755.

§ 3756. Accidents involving certain vehicles.

(a) Testing requirement.--A police officer investigating an accident involving a motor carrier vehicle, bus, school bus or a vehicle transporting hazardous materials required to be placarded by department regulations and required to be investigated under this subchapter shall request that the driver of the vehicle submit to testing for alcohol and controlled substances. Costs for testing under this section shall be borne by the driver's employer.

(b) Penalty.--A driver who refuses to submit to alcohol or controlled substances testing under this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of up to \$200.

(Dec. 23, 2002, P.L.1982, No.229, eff. 60 days)

2002 Amendment. Act 229 added section 3756. See section 21 of Act 229 in the appendix to this title for special provisions relating to promulgation of guidelines to implement Act 229.

§ 3757. Compensation for incident removal costs.

(a) General rule.--Notwithstanding any other law or regulation, any entity incurring the cost of removing a vehicle or cargo at an accident scene if the removal is authorized by a police officer shall have the unqualified right to compensation for the cost of removal and cargo storage and cleanup from the owner of:

- (1) A vehicle removed.
- (2) A vehicle, the cargo of which was removed in whole or in part.
- (3) The cargo removed.

(b) Right to information.--A towing company that removes a vehicle or cargo under subsection (a) shall have the unqualified right to any information relevant to vehicle ownership and information affecting compensation, including, but not limited to, insurance information.

(Dec. 8, 2004, P.L.1791, No.237, eff. 150 days)

2004 Amendment. Act 237 added section 3757.