

§ 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.

§ 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 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 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 a 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 3715.1 (relating to restriction on alcoholic beverages).
Section 3731 (relating to driving under the influence of alcohol or controlled substance).
Section 3736 (relating to reckless driving).

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

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

"Emergency response area." 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 as long as the emergency vehicle is making use of visual signals meeting the requirements of subchapter D of chapter 45.

"Emergency service responder." An individual acting in an official capacity as police officer, sheriff, deputy sheriff, coroner, deputy coroner, firefighter, fire police, fire marshal, medical examiner, deputy medical examiner, rescue personnel, ambulance personnel, hazardous material response team member or emergency medical service personnel, towing and recovery personnel, highway maintenance and construction personnel, hazardous material response team member or emergency medical service personnel.

"Serious injury." A personal injury resulting in death, serious impairment of body function or permanent serious disfigurement.