

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 362 Session of 2023

INTRODUCED BY FARRY, SANTARSIERO, STEFANO AND LANGERHOLC, FEBRUARY 10, 2023

SENATOR LANGERHOLC, TRANSPORTATION, AS AMENDED, APRIL 26, 2023

AN ACT

1 ~~Amending Title 75 (Vehicles) of the Pennsylvania Consolidated~~ <--
2 ~~Statutes, in penalties and disposition of fines, further~~
3 ~~providing for subsequent convictions of certain offenses.~~
4 AMENDING TITLES 42 (JUDICIARY AND JUDICIAL PROCEDURE) AND 75 <--
5 (VEHICLES) OF THE PENNSYLVANIA CONSOLIDATED STATUTES, IN
6 BUDGET AND FINANCE, FURTHER PROVIDING FOR COUNTY PORTION OF
7 FINES, ETC.; IN MISCELLANEOUS PROVISIONS, FURTHER PROVIDING
8 FOR RAILROAD TRAINS NOT TO BLOCK CROSSINGS; AND IMPOSING
9 PENALTIES.

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

12 ~~Section 1. Section 6503(a) and (a.1) of Title 75 of the~~ <--
13 ~~Pennsylvania Consolidated Statutes are amended to read:~~

14 ~~§ 6503. Subsequent convictions of certain offenses.~~

15 ~~(a) General offenses. Every person convicted of a second or~~
16 ~~subsequent violation of any of the following provisions shall be~~
17 ~~sentenced to pay a fine of not less than \$200 nor more than~~
18 ~~\$1,000 or to imprisonment for not more than six months, or both:~~

19 ~~Section 1543(a) (relating to driving while operating~~
20 ~~privilege is suspended or revoked) except as set forth in~~
21 ~~subsection (a.1).~~

1 ~~Section 3367 (relating to racing on highways).~~

2 ~~Section 3713 (relating to railroad trains not to block~~
3 ~~crossings).~~

4 ~~Section 3734 (relating to driving without lights to avoid~~
5 ~~identification or arrest).~~

6 ~~Section 3748 (relating to false reports).~~

7 ~~(a.1) Certain repeat offenses. A person convicted of a~~
8 ~~sixth or subsequent offense under section 1543(a) or 3713 shall~~
9 ~~be sentenced to pay a fine of not less than \$1,000 and to~~
10 ~~imprisonment for not less than 30 days but not more than six~~
11 ~~months.~~

12 * * *

13 ~~Section 2. This act shall take effect in 60 days.~~

14 SECTION 1. SECTION 3572 OF TITLE 42 OF THE PENNSYLVANIA
15 CONSOLIDATED STATUTES IS AMENDED TO READ:

16 § 3572. COUNTY PORTION OF FINES, ETC.

17 (A) GENERAL RULE.--EXCEPT AS OTHERWISE PROVIDED IN THIS
18 SUBCHAPTER, ALL FINES, FORFEITED RECOGNIZANCES AND OTHER
19 FORFEITURES IMPOSED, LOST OR FORFEITED AND FEES AND COSTS
20 COLLECTED IN THE COURT OF COMMON PLEAS, OR COMMUNITY COURT
21 ESTABLISHED FOR A JUDICIAL DISTRICT EMBRACING A COUNTY, OR IN A
22 MAGISTERIAL DISTRICT WITHIN THE COUNTY, OR IN THE PHILADELPHIA
23 MUNICIPAL COURT, SHALL BE PAYABLE TO SUCH COUNTY.

24 (B) RAILROAD TRAINS NOT TO BLOCK CROSSINGS.--NOTWITHSTANDING
25 ANY OTHER PROVISION OF LAW, ALL FINES COLLECTED UNDER 75 PA.C.S.
26 § 3713(B) (RELATING TO RAILROAD TRAINS NOT TO BLOCK CROSSINGS)
27 SHALL BE PAYABLE TO THE COUNTY IN WHICH THE VIOLATION OCCURRED.
28 THE COUNTY SHALL USE THE FINES COLLECTED FOR EQUIPMENT, TRAINING
29 AND SIMILAR EXPENSES RELATED TO PLANNING AND PREPAREDNESS FOR
30 EMERGENCY RESPONSE EFFORTS.

1 SECTION 2. SECTION 3713 OF TITLE 75 IS AMENDED TO READ:

2 § 3713. RAILROAD TRAINS NOT TO BLOCK CROSSINGS.

3 (A) GENERAL RULE.--NO PERSON OR GOVERNMENT AGENCY SHALL
4 OPERATE ANY TRAIN IN SUCH A MANNER AS TO PREVENT VEHICULAR USE
5 OF ANY ROADWAY FOR A PERIOD OF TIME IN EXCESS OF FIVE
6 CONSECUTIVE MINUTES EXCEPT UNDER ANY OF THE FOLLOWING
7 CIRCUMSTANCES:

8 (1) WHEN NECESSARY TO COMPLY WITH SIGNALS AFFECTING THE
9 SAFETY OF THE MOVEMENT OF TRAINS.

10 (2) WHEN NECESSARY TO AVOID STRIKING ANY OBJECT OR
11 PERSON ON THE TRACK.

12 (3) WHEN THE TRAIN IS [DISABLED.] EXPERIENCING A
13 MECHANICAL OR PERSONNEL ISSUE DUE TO NO FAULT OF THE PERSON
14 OR GOVERNMENT AGENCY OPERATING THE TRAIN.

15 [(4) WHEN THE TRAIN IS IN MOTION EXCEPT WHILE ENGAGED IN
16 SWITCHING OPERATIONS.]

17 (5) WHEN THERE IS NO VEHICULAR TRAFFIC WAITING TO USE
18 THE CROSSINGS.]

19 (6) WHEN NECESSARY TO COMPLY WITH A GOVERNMENTAL SAFETY
20 REGULATION.

21 (B) PENALTY.--A PERSON WHO OWNS A TRAIN IN VIOLATION OF
22 SUBSECTION (A) COMMITS A SUMMARY OFFENSE AND SHALL, UPON
23 CONVICTION, BE SENTENCED TO PAY A FINE OF \$1,000 PER DAY FOR
24 EACH SEGMENT OF THE ROADWAY IN WHICH THE TRAIN PREVENTS
25 VEHICULAR USE.

26 SECTION 3. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.