

City of Philadelphia



(Bill No. 070699-A)

AN ORDINANCE

Enacting a new Chapter 12-300 of The Philadelphia Code, entitled “Special Restrictions Upon Use of Vehicles Around Wheelchair Lift Equipped Vehicles,” to require a driver of a vehicle meeting or overtaking any wheelchair lift equipped vehicle stopped on a highway or trafficway to stop at least ten feet before reaching the wheelchair lift equipped vehicle when the red hazard signal lights on the wheelchair lift equipped vehicle are flashing and the wheel chair lift is deployed to load or unload a disabled passenger, and providing for the reporting of and setting penalties for violations; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. A new Chapter 12-300 of The Philadelphia Code, entitled “Special Restrictions Upon Use of Vehicles Around Wheelchair Lift Equipped Vehicles,” is hereby enacted, to read as follows:

CHAPTER 12-300. [Reserved.] *SPECIAL RESTRICTIONS UPON USE OF VEHICLES AROUND WHEELCHAIR LIFT EQUIPPED VEHICLES.*

§ 12-301. Meeting or overtaking wheelchair lift equipped vehicle while utilizing wheelchair lift.

Except as provided in § 12-304, the driver of a vehicle meeting or overtaking any wheelchair lift equipped vehicle stopped on a highway or trafficway shall stop at least ten feet before reaching the wheelchair lift equipped vehicle when the red hazard signal lights on the wheelchair lift equipped vehicle are flashing, the wheel chair lift is deployed to load or unload a disabled passenger and the vehicle is marked in a clear and conspicuous manner sufficient to alert the driver of the approaching vehicle that the vehicle is wheelchair lift equipped. The driver of a vehicle shall not proceed until the flashing red hazard signal lights are no longer actuated. In no event shall a driver of a vehicle resume motion of the vehicle until the person using a wheelchair has reached a place of safety either at the curb or inside the vehicle. The driver of a vehicle approaching an intersection at which a wheelchair lift equipped vehicle is stopped shall stop his vehicle at that intersection until the flashing red hazard signal lights are no longer actuated.

§ 12-302. Reports By Wheelchair Lift Equipped Vehicle Operators.

City of Philadelphia

BILL NO. 070699-A continued

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(a) The operator of a wheelchair lift equipped vehicle who observes a violation of § 12-301 may prepare a signed, written report which indicates that a violation has occurred. To the extent possible, the report shall include the following information:

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

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

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

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

(b) Within 48 hours after the violation occurs, the wheelchair lift equipped vehicle operator shall deliver a copy of the report to the Police Department. If the police officer receiving the report 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 Police Commissioner. If the Police Commissioner 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 Police Commissioner 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.

In the alternative, a parking enforcement officer of the Philadelphia Parking Authority shall be authorized to issue a summons in accordance with general rules governing the institution of proceedings in summary traffic offense cases provided that officer has personally witnessed the violation of § 12-301 or, after investigating the circumstances surrounding the allegations raised by the wheelchair lift equipped vehicle operator, is satisfied that there is a sufficient basis for the issuance of a citation. The parking enforcement officer shall send the defendant a copy of the citation, together with a statement that it was filed by the parking enforcement officer named in the citation on the basis of information observed and/or received.

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

§ 12-303. Use Of Red Hazard Signals.

(a) Requirement to Use Red Hazard Signals

The red hazard signals shall be actuated by the operator of every wheelchair lift equipped vehicle whenever the vehicle is stopped on a highway or trafficway for the

City of Philadelphia

BILL NO. 070699-A continued

Certified Copy

purpose of receiving or discharging a person using a wheelchair, except as provided in subsection (b) and § 12-304.

The signals shall not be terminated until the person using a wheelchair has alighted from the wheelchair lift equipped vehicle and reached a place of safety or until the person using a wheelchair has completed boarding the vehicle.

(b) Limitations On Use Of Signals

The visual signals required in the regulations shall not be actuated 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 handicapped loading areas designated by the City when the vehicle is entirely off the roadway.

§ 12-304. 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 wheelchair lift equipped vehicle with actuated red hazard signal lights which is on a different roadway.

§ 12-305. Penalty.

A person who violates § 12-301 commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$ 250.

SECTION 2. Effective Date. This Ordinance shall take effect immediately upon enactment.

Explanation:

Italics indicate new matter added.

City of Philadelphia

BILL NO. 070699-A continued

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on November 1, 2007. The Bill was Signed by the Mayor on November 15, 2007.



Patricia Rafferty
Chief Clerk of the City Council