

Legislation Text

File #: 210636-A, Version: 1

Amending Title 12 of The Philadelphia Code, entitled "Traffic Code," to clarify the appropriate methods and circumstances of enforcement of traffic violations in order to provide for the fair and transparent administration of the traffic violations, prevent racial disparities, and protect public safety, and making certain technical changes, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 12 of The Philadelphia Code is hereby amended to read as follows:

TITLE 12. TRAFFIC CODE

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CHAPTER 12-1700. ACHIEVING DRIVING EQUALITY

§ 12-1701. Legislative Intent

(1) It is the purpose of this legislation to further the just, equitable, and fair enforcement of the law for all people, to provide for the fair and transparent administration of the code with respect to all, to prevent racial disparities, and to protect public safety in a manner consistent with these values.

§ 12-1702. Definitions

In this Chapter the following definitions apply:

(1) Primary Violation. A violation of the Pennsylvania Vehicle Code, 75 Pa.C.S. Section 101, et. seq., observed within the city of Philadelphia, that does not constitute a secondary violation.

(2) Secondary Violation. Violations of the following provisions of the Pennsylvania Vehicle Code, and such other violations as are identified by the Police Department by regulation:

(a) Title 75 Pa. C.S. § 1301. Registration of Vehicles, when the vehicle had been previously registered within the Commonwealth within sixty days of the observed infraction.

(b) Title 75 Pa. C.S. § 1310.1 (c). Temporary Registration Permits, where the violation is related to the location of the permit but the permit is otherwise clearly displayed in the rear window.

(c) Title 75 Pa C.S. § 1332 (a). Display of Registration Plate, where the violation pertains to a plate not securely fastened to the vehicle but such plate is otherwise clearly displayed.

(d) Title 75 Pa. C.S. § 4302. Periods For Requiring Lighted Lamps, where the violation for lighting

equipment not illuminating is limited to a single brake light, head light, or running light; a single bulb in a larger light of the same; or any other single light or bulb of a vehicle light required by 75 Pa. C.S. § 4302.

(e) Title 75 Pa. C.S. § 4524 (c). Other Obstruction.

(f) Title 75 Pa. C.S. § 4536. Bumpers.

(g) Title 75 Pa. C.S. § 4703. Operation of Vehicle Without Official Certificate of Inspection.

(h) Title 75 Pa. C.S. §4706 (c)(5). Unlawful Operation Without Evidence of Emission Inspection

§ 12-1703. Compliance and Enforcement of the Pennsylvania Vehicle Code

(1) Compliance with the Pennsylvania Vehicle Code. So long as such conduct is prohibited by the Pennsylvania Vehicle Code, motorists who own or operate vehicles within the city limits shall operate, maintain, title, register, and license vehicles in accordance with the provisions of the Vehicle Code.

(2) Enforcement of Primary Violations. A police officer or law enforcement officer may initiate a motor vehicle stop and, at their discretion, cite a driver for a violation of a primary violation observed within the City of Philadelphia without observing any other Pennsylvania Vehicle Code violation.

(3) Enforcement of Secondary Violations. To the full extent of Council's legislative authority, a police officer or other law enforcement officer may initiate a motor vehicle stop for a secondary violation observed within the City of Philadelphia only where there is a simultaneously-observed primary violation for which an officer, at their discretion, could issue a citation.

§ 12-1704. Construction.

(1) This Chapter shall not be construed to supersede any state or federal law.

§ 12-1705. Severability.

(1) If any one or more section, subsection, sentence, clause, phrase, word, provision or application of this Ordinance shall for any person or circumstance be held to be illegal, invalid, unenforceable, or unconstitutional, such decision shall not affect the validity of any other section, subsection, sentence, clause, phrase, word, provision or application of this Ordinance which is operable without the offending section, subsection, sentence, clause, phrase, word, provision or application shall remain effective notwithstanding such illegal, invalid, unenforceable, or unconstitutional section, subsection, sentence, clause, phrase, word, provision or application, and every section, subsection, sentence, clause, phrase, word, provision or application of this Ordinance are declared severable.

SECTION 2. This Ordinance shall be effective one-hundred and twenty (120) days after it becomes law.

Explanation:

Italics indicate new matter added.

