

Pennsylvania State Police Testimony

Senate Transportation Committee

Clearing Snow and Ice from Vehicles

January 27, 2016



Good afternoon Chairmen and members of the committee. I am Major Edward Hoke, Director of the Pennsylvania State Police (PSP) Bureau of Patrol. Thank you for the opportunity to appear before you today to discuss safety concerns regarding snow and ice on vehicles traveling upon the Commonwealth's highways.

Improving the quality of life for the residents and guests of Pennsylvania by prioritizing highway safety is one of the highest goals of the PSP. In working toward this goal, the PSP employs multiple crash-reduction strategies which are developed through a variety of methods, including the monitoring and evaluation of crash-related data and by working in partnership with the Pennsylvania Department of Transportation, along with other state, federal, and private entities involved in the transportation sector.

Each year during the winter months, PSP Troopers investigate traffic crashes caused by accumulated snow and ice falling from vehicles. Currently, the Pennsylvania Vehicle Code addresses this issue through Section 3720, titled "Snow and ice dislodged or falling from moving vehicle." This section deals with situations where accumulated snow or ice is dislodged or falls from a moving vehicle and strikes another vehicle or pedestrian; however, the section only applies in situations where it causes serious bodily injury or death. Unfortunately, there is nothing in law to cover situations where the falling snow or ice causes property damage or injuries that do not rise to the level of serious bodily injury. Regarding the most serious of these traffic crashes, where there was serious bodily injury or death, PSP members charged six drivers with violating Section 3720 during last winter and two drivers so far this current winter period.<sup>1</sup>

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<sup>1</sup> Based on PSP traffic citation data. For the purpose of this document, last winter reference includes the period of 10/01/14 – 04/30/15, and the current winter period includes 10/01/15 - Present (01/22/16).

Senate Bill 93 and Senate Bill 94 both seek to amend Section 3720; Senate Bill 93 would apply to drivers of all motor vehicles, whereas Senate Bill 94 would only apply to drivers of motor vehicles with a registered gross weight exceeding 48,000 pounds that is a truck tractor or combination. Both bills make the following amendments:

- Places an affirmative duty on the driver to "make all reasonable efforts to remove all accumulated ice or snow from the motor vehicle"
  - Senate Bill 93 states this includes the hood, trunk and roof
  - Senate Bill 94 states this includes the roof of the truck trailer or a vehicle in the combination
- Clarifies the authority of a law enforcement officer to stop a driver in violation of this section if the officer believes the accumulated snow or ice may pose a threat to persons or property
- Sets a fine of not less than \$25 nor more than \$75 for each offense regardless of whether any snow or ice is dislodged from the vehicle
- Enhances the current penalty of \$200 - \$1,000 for those instances where snow or ice dislodges and causes serious bodily injury or death by increasing it to \$1,500 for each offense.

The PSP supports the concepts of both of these bills; they work to help prevent a traffic crash, as opposed to the current law which only adds a penalty after a crash has occurred. While we recognize the logistical concerns of removing snow or ice from some types of vehicles, we believe that no driver should operate a vehicle when it is in such a condition that it poses a safety risk to others. Further, these bills make it clear that law enforcement can stop a vehicle if the officer believes the accumulated snow or

ice may pose a threat to persons or property. The inclusion of this language helps ensure we can address a safety issue before it causes a traffic crash and is therefore in line with the PSP mission of reducing crashes and the injuries and fatalities they cause.

There is one area of concern we would like to point out for your consideration regarding the affirmative duty on the driver to "make all reasonable efforts to remove all accumulated ice or snow from the motor vehicle." We believe this wording is problematic in that it is a highly subjective standard and would be difficult to prove whether or not the person met it. Left in its present form, it may create confusion for drivers and law enforcement requiring clarification by the courts. If there is an interest, the PSP would certainly be willing to work with the sponsor to refine the language.

Once again, I would like to thank the committee for inviting the PSP here to speak on this matter. I will now be happy to answer any questions you may have.