

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1375 Session of
2009

INTRODUCED BY DePASQUALE, BOBACK, BRENNAN, D. COSTA, KILLION,
McILVAINE SMITH, MILLARD, O'NEILL, QUINN, READSHAW, REICHLEY,
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CLYMER, DONATUCCI, PASHINSKI, VULAKOVICH, WATSON, W. KELLER,
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COHEN, DeWEESE, CARROLL, CONKLIN, MELIO, MILLER, GILLESPIE,
HESS, HORNAMAN, MILNE, FABRIZIO, FREEMAN, CRUZ, EACHUS,
THOMAS, BROWN, DALEY, MOUL, MURT, SHAPIRO AND DEASY,
APRIL 28, 2009

REFERRED TO COMMITTEE ON TRANSPORTATION, APRIL 28, 2009

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, prohibiting the operation of motor vehicles while
3 using electronic wireless communications devices.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 75 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 3316. Prohibiting use of electronic wireless communications
9 devices.

10 (a) Prohibition.--Except as otherwise provided in this
11 section, no person shall operate a motor vehicle upon a public
12 highway and use an electronic wireless communications device to
13 send, read or write a text message while the vehicle is in
14 motion.

15 (b) Presumption.--An operator of a motor vehicle who uses an

1 electronic wireless communications device within the operator's
2 line of sight and arm's reach while the vehicle is in motion is
3 presumed to be using the electronic wireless communications
4 device within the meaning of this section. The presumption
5 established by this subsection is rebuttable by evidence tending
6 to show that the operator was not using the electronic wireless
7 communications device.

8 (c) Seizure.--The provisions of this section shall not be
9 construed as authorizing the seizure or forfeiture of an
10 electronic wireless communications device unless otherwise
11 provided by law.

12 (d) Applicability.--This section shall not apply to:

13 (1) the use of an electronic wireless communications
14 device for the sole purpose of communicating with any of the
15 following regarding an emergency situation: an emergency
16 response operator; a hospital, physician's office or health
17 clinic; an ambulance company or corps; a fire department,
18 district or company; or a police department; or

19 (2) any of the following persons while in the
20 performance of their official duties: a police officer or
21 peace officer; or a member of a fire department, district or
22 company.

23 (e) Penalty.--A violation of subsection (a) shall be a
24 traffic infraction and shall be punishable by a fine of not more
25 than \$100.

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

29 "Electronic wireless communications device." An electronic
30 device that permits the user thereof to transmit a communication

1 of written text by means other than through an oral transfer or
2 wire communication as those terms are defined under 18 Pa.C.S. §
3 5702 (relating to definitions). The term does not include a
4 voice-activated global positioning or navigation system that is
5 permanently affixed to a motor vehicle.

6 "Use," "uses" or "using." The act of manually writing,
7 reading or transmitting by touching a button, key or making a
8 mark with an implement on a screen of an electronic wireless
9 communications device for the sole purpose of making a
10 communication of a text message on or through the electronic
11 wireless communications device. The term does not include such
12 act for the sole purpose of entering a number or a name on an
13 electronic wireless communications device in order to make an
14 oral communication.

15 Section 2. This act shall take effect in 60 days.