

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2821 Session of
2006

INTRODUCED BY SHAPIRO, McILHATTAN, BEYER, CALTAGIRONE, DALEY,
DALLY, DeLUCA, FABRIZIO, FLAHERTY, FREEMAN, GERBER, HARHAI,
HENNESSEY, KENNEY, LEACH, NAILOR, PETRARCA, PICKETT,
PISTELLA, PYLE, RAMALEY, READSHAW, SAMUELSON, SIPTROTH,
STABACK, STETLER, TANGRETTI, J. TAYLOR, THOMAS, WATSON,
YOUNGBLOOD AND PETRI, JUNE 21, 2006

REFERRED TO COMMITTEE ON TRANSPORTATION, JUNE 21, 2006

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, prohibiting operators from using handheld mobile
3 telephones.

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 handheld mobile telephones.

9 (a) General rule.--Except as provided in subsection (b), no
10 driver shall operate any moving vehicle on a highway of this
11 Commonwealth, which shall include Federal, State and municipal
12 highways, while using a handheld mobile telephone.

13 (b) Exception.--This section shall not apply to law
14 enforcement officers and operators of emergency vehicles when on
15 duty and acting in their official capacities.

16 (c) Defense.--It shall be a defense to a prosecution brought

1 for a violation of this section that the driver had reason to
2 fear for the driver's safety, was reporting a traffic accident
3 or was making a "911" emergency call.

4 (d) Penalty.--A person who violates this section commits a
5 summary offense and shall, upon conviction, be sentenced to pay
6 a fine of \$250.

7 (e) Definitions.--As used in this section, the following
8 words and phrases shall have the meanings given to them in this
9 subsection:

10 "Handheld mobile telephone." A mobile telephone other than a
11 hands-free mobile telephone with which a user engages in a call
12 using at least one hand.

13 "Hands-free mobile telephone." A mobile telephone that has
14 an internal feature or function, or that is equipped with an
15 attachment or addition, whether or not permanently part of such
16 mobile telephone, by which a user engages in a call without the
17 use of either hand, whether or not the use of either hand is
18 necessary to activate, deactivate or initiate a function of such
19 telephone.

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