

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 698 Session of  
2007

INTRODUCED BY ROSS, CALTAGIRONE, DALLY, FABRIZIO, GEIST,  
HENNESSEY, HESS, JOSEPHS, MACKERETH, MUNDY, SCAVELLO,  
SCHRODER, STERN, WATSON AND SIPTROTH, MARCH 9, 2007

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 9, 2007

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for the offense of careless  
3 driving.

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

6 Section 1. Section 3714 of Title 75 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 3714. Careless driving.

9 (a) General rule.--Any person who drives a vehicle in  
10 careless disregard for the safety of persons or property is  
11 guilty of careless driving, a summary offense.

12 (b) Unintentional death.--If the person who violates this  
13 section unintentionally causes the death of another person as a  
14 result of the violation, the person shall, upon conviction, be  
15 sentenced to pay a fine of \$500.

16 (c) Serious bodily injury.--If the person who violates this  
17 section unintentionally causes the serious bodily injury of  
18 another person as a result of the violation, the person shall,

1 upon conviction, be sentenced to pay a fine of \$250.

2 (c.1) Additional penalty for distracted driver.--

3 (1) Any person who violates this section and at the time  
4 of the violation is distracted by the use of any electronic,  
5 electrical, mechanical, personal grooming device, food,  
6 drink, book or printed material, shall, in addition to any  
7 other penalty imposed, upon conviction, be sentenced to pay a  
8 fine of \$50.

9 (2) No person shall be convicted under this subsection  
10 unless the person is also convicted under subsection (a) for  
11 a violation which occurred at the same time. No costs as  
12 described in 42 Pa.C.S. § 1725.1 (relating to costs) shall be  
13 imposed for a conviction under this subsection. Conviction  
14 under this subsection shall not constitute a moving  
15 violation.

16 (c.2) Civil actions.--

17 (1) In no event shall a violation or alleged violation  
18 under subsection (c.1) be:

19 (i) used as evidence in a trial of any civil action,  
20 nor shall any jury in a civil action be instructed that  
21 any conduct constitutes or may be interpreted by them to  
22 constitute a violation under subsection (c.1);

23 (ii) considered as contributory negligence; or

24 (iii) admissible as evidence in the trial of any  
25 civil action.

26 (2) This section shall not be construed to impose any  
27 legal obligation upon or impute any civil liability  
28 whatsoever to an owner, employer, manufacturer, dealer or  
29 person engaged in the business of renting or leasing vehicles  
30 to the public to inform the public about the provisions of

1     subsection (c.1).

2     (c.3) Criminal proceedings.--Evidence of a violation under  
3 subsection (c.1) is not admissible as evidence in a criminal  
4 proceeding except in a proceeding for a violation of subsection  
5 (c.1). No criminal proceeding for the crime of homicide by  
6 vehicle shall be brought on the basis of a violation under  
7 subsection (c.1).

8     (c.4) Insurance.--An insurer may not charge an insured who  
9 has been convicted under subsection (c.1) a higher premium for a  
10 policy of insurance in whole or in part by reason of that  
11 conviction.

12     (d) [Definition.--As used in this section, "serious bodily  
13 injury means any] Definitions.--As used in this section, the  
14 following words and phrases shall have the meanings given to  
15 them in this subsection:

16     "Distracted." Having a person's attention diverted from  
17 operating a vehicle by a radio, recording and playback device,  
18 telephonic device, citizens band radio, television, computer and  
19 any other device.

20     "Serious bodily injury." Any bodily injury which creates a  
21 substantial risk of death or which causes serious, permanent  
22 disfigurement or protracted loss or impairment of the function  
23 of any bodily member or organ.

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