

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 67 Session of 2009

INTRODUCED BY MARKOSEK, GEIST, BELFANTI, BOYD, BRENNAN, DALEY,
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REICHLEY, SCAVELLO, SIPTROTH, K. SMITH, VULAKOVICH, WALKO AND
WATSON, JANUARY 26, 2009

REFERRED TO COMMITTEE ON TRANSPORTATION, JANUARY 26, 2009

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, defining "interactive wireless communications
3 device"; further providing for junior driver's license, for
4 learners' permits and for suspension of operating privilege;
5 prohibiting interactive wireless communications devices; and
6 further providing for accident report forms, for department
7 to compile, tabulate and analyze accident reports, for
8 television equipment and for restraint systems.

9 The General Assembly of the Commonwealth of Pennsylvania
10 declares that the part of this act that limits the number of
11 passengers a junior driver may transport in a motor vehicle at
12 one time may be referred to as Lacey's Law in honor of Lacey
13 Gallagher.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. Section 102 of Title 75 of the Pennsylvania
17 Consolidated Statutes is amended by adding a definition to read:
18 § 102. Definitions.

19 Subject to additional definitions contained in subsequent
20 provisions of this title which are applicable to specific

provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Interactive wireless communications device." Any wireless electronic communications device that provides for voice or data communication between two or more parties, including, but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages or a laptop computer.

* * *

Section 2. Sections 1503(c), 1505(e) and 1538(e) of Title 75 are amended to read:

§ 1503. Persons ineligible for licensing; license issuance to minors; junior driver's license.

* * *

(c) Junior driver's license.--The department may issue a junior driver's license to a person 16 or 17 years of age under rules and regulations adopted by the department and subject to the provisions of this section. A junior driver's license shall automatically become a regular driver's license when the junior driver attains 18 years of age.

(1) Except as provided in paragraph (2), no licensed junior driver shall drive a vehicle upon a public highway between 11 p.m. and 5 a.m. unless accompanied by a spouse 18 years of age or older, a parent or a person in loco parentis.

(2) A licensed junior driver conforming to the requirements of section 1507 (relating to application for driver's license or learner's permit by minor) may drive a vehicle upon a public highway between 11 p.m. and 5 a.m.

1 between the junior driver's home and activity or employment
2 or in the course of the junior driver's activity or
3 employment if the junior driver is a member of a volunteer
4 fire company authorized by the fire chief to engage in
5 fighting fires, is engaged in public or charitable service or
6 is employed and is carrying an affidavit or certificate of
7 authorization signed by the junior driver's fire chief,
8 supervisor or employer indicating the probable schedule of
9 the junior driver's activities. Upon termination of the
10 junior driver's activity or employment, the junior driver
11 shall surrender the affidavit or certificate to the fire
12 chief, supervisor or employer. If the junior driver shall
13 fail to surrender the affidavit or certificate, the employer,
14 fire chief or supervisor shall immediately notify the
15 Pennsylvania State Police.

16 (2.1) Except as set forth in paragraph (2.2), a junior
17 driver may not drive a vehicle with more than one passenger
18 under 18 years of age.

19 (2.2) With parental or in loco parentis approval, a
20 junior driver may drive a vehicle with passengers who are
21 siblings or relatives who live in the same dwelling as the
22 junior driver.

23 (3) In addition to the other provisions of this title
24 relating to the suspension or revocation of operating
25 privileges, in the event that a licensed junior driver is
26 involved in an accident reportable under section 3746(a) for
27 which the junior driver is partially or fully responsible in
28 the opinion of the department or is convicted of any
29 violation of this title, the department may suspend the
30 operating privileges of the junior driver until the junior

1 driver attains 18 years of age or for a period of time not
2 exceeding 90 days.

3 (4) Any junior driver or other person violating any
4 provision of this subsection is guilty of a summary offense.

5 § 1505. Learners' permits.

6 * * *

7 (e) Authorization to test for driver's license and junior
8 driver's license.--A person with a learner's permit is
9 authorized to take the examination for a regular or junior
10 driver's license for the class of vehicle for which a permit is
11 held. Before a person under the age of 18 years may take the
12 examination for a junior driver's license, the minor must:

13 (1) Have held a learner's permit for that class of
14 vehicle for a period of six months.

15 (2) Present to the department a certification form
16 signed by the father, mother, guardian, person in loco
17 parentis or spouse of a married minor stating that the minor
18 applicant has completed [50] 65 hours of practical driving
19 experience, including no less than ten hours of nighttime
20 driving and five hours of inclement weather driving,
21 accompanied as required under subsection (b). Submission of a
22 certification shall not subject the parent, guardian, person
23 in loco parentis or spouse of a married minor to any
24 liability based upon the certification.

25 (3) Have the certification form completed when the minor
26 is ready for the licensing examination. The certification
27 form shall be developed by the department and will be
28 provided by the department when the original application for
29 a learner's permit is processed. The department will make
30 this form readily available through the mail or electronic

1 means.

2 * * *

3 § 1538. School, examination or hearing on accumulation of
4 points or excessive speeding.

5 * * *

6 (e) Additional suspension of operating privilege.--

7 (1) In addition to any other provisions of law relating
8 to the suspension or revocation of operating privileges, a
9 person's operating privileges shall be suspended under any of
10 the following circumstances:

11 (i) Prior to reaching age 18, the person violates
12 section 3362 (relating to maximum speed limits) by
13 traveling 26 miles per hour or more over the posted speed
14 limit and the violation results in a conviction, guilty
15 plea or plea of no contest before or after the person
16 reaches age 18.

17 (ii) The person accumulates six or more points under
18 the provisions of section 1535 (relating to schedule of
19 convictions and points) and the violations resulting in
20 points accumulation were committed before the person
21 reached age 18.

22 (2) The first suspension under paragraph (1) shall be
23 for a period of 90 days with every subsequent suspension
24 under paragraph (1) to be for a period of 120 days.
25 Suspensions under paragraph (1) shall be imposed
26 consecutively to each other and to any other suspension. A
27 suspension under paragraph (1) shall be considered a
28 subsequent suspension even if it is imposed contemporaneously
29 with a first suspension imposed under paragraph (1). A
30 suspension under this paragraph shall be in lieu of a

1 suspension under subsection (d) (1).

2 Section 3. Title 75 is amended by adding a section to read:

3 § 3316. Prohibiting interactive wireless communications
4 devices.

5 (a) Drivers subject to restriction.--No driver with a
6 learners' permit or junior driver's license shall drive a motor
7 vehicle on a highway or trafficway in this Commonwealth while
8 using an interactive wireless communications device.

9 (b) Exceptions.--This section shall not apply to persons who
10 use an interactive wireless communications device to contact a
11 511 service or 911 system for the purpose of reporting an
12 accident or an emergency or obtaining directions.

13 (c) Seizure.--The provisions of this section shall not be
14 construed as authorizing the seizure or forfeiture of an
15 interactive wireless communications device, unless otherwise
16 provided by law.

17 (d) Penalty.--A person who violates subsection (a) commits a
18 summary offense and shall, upon conviction, be sentenced to pay
19 a fine of \$100.

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

23 "511" or "511 service." Three-digit telecommunications
24 dialing to access an intelligent transportation system traveler
25 information service provided in this Commonwealth in accordance
26 with the Federal Communications Commission and the United States
27 Department of Transportation.

28 "911." The number used by a public agency located in whole
29 or in part within this Commonwealth authorized by law to provide
30 emergency telephone service to access firefighting, law

1 enforcement, ambulance, emergency medical or other emergency
2 services.

3 Section 4. Section 3752(a) of Title 75 is amended to read:
4 § 3752. Accident report forms.

5 (a) Form and content.--The department shall prepare and upon
6 request supply to all law enforcement agencies and other
7 appropriate agencies or individuals, forms for written accident
8 reports as required in this subchapter suitable with respect to
9 the persons required to make the reports and the purposes to be
10 served. The written report forms shall call for sufficiently
11 detailed information to disclose with reference to a vehicle
12 accident the cause, conditions then existing and the persons and
13 vehicles involved[.], including whether the driver of the
14 vehicle was using an interactive wireless communications device
15 when the accident occurred, and such other information as the
16 department may require. Reports for use by the drivers and
17 owners shall also provide for information relating to financial
18 responsibility.

19 * * *

20 Section 5. Section 3753 of Title 75 is amended by adding a
21 subsection to read:

22 § 3753. Department to compile, tabulate and analyze accident
23 reports.

24 * * *

25 (b.1) Report on interactive wireless communications
26 devices.--The department shall annually compile and make
27 available to the public information submitted on an accident
28 report concerning interactive wireless communications devices in
29 motor vehicles involved in traffic accidents. The report shall
30 note whether the driver of the motor vehicle was using an

1 interactive wireless communications device when the accident
2 occurred. The data shall be included in a report submitted to
3 the Transportation Committee of the Senate and the
4 Transportation Committee of the House of Representatives.

5 * * *

6 Section 6. Sections 4527 and 4581(a) and (b) of Title 75 are
7 amended to read:

8 § 4527. [Television] Video receiving equipment.

9 (a) General rule.--[No] Except as provided in subsection
10 (c), no person shall drive a motor vehicle [operated on a
11 highway shall be] equipped with [television-type] any image
12 display device, video receiving equipment, including a receiver,
13 a video monitor or a television or video screen capable of
14 displaying a television broadcast or video signal that produces
15 entertainment or business applications or similar equipment
16 which is located in the motor vehicle at any point forward of
17 the back of the driver's seat [or otherwise], or which is
18 visible, directly or indirectly, to the driver while operating
19 the motor vehicle.

20 (a.1) Except as provided in subsection (c), no person may
21 install in a motor vehicle an image display device intended to
22 be visible to a driver in the normal driving position when the
23 vehicle is in motion and when restrained by the safety seat belt
24 system adjusted in accordance with the manufacturer's
25 recommendations.

26 (b) Exception.--This section shall not apply to the
27 following:

28 (1) [Television-type receiving equipment] Image display
29 devices in a vehicle used exclusively for safety or law
30 enforcement purposes as approved by the Pennsylvania State

1 Police.

2 (2) [Electronic displays] Image display devices used in
3 conjunction with in-vehicle navigation systems, related
4 traffic, road and weather information.

5 (3) Image display devices that provide vehicle
6 information related to the driving task or to enhance or
7 supplement the driver's view forward, behind or to the sides
8 of the motor vehicle or permit the driver to monitor vehicle
9 occupants behind the driver.

10 (4) Image display devices that do not display images to
11 the driver while the vehicle is in motion.

12 (5) Image display devices which display an image while a
13 vehicle is parked.

14 (c) Definitions.--As used in this section, the term "image
15 display device" means equipment capable of displaying to the
16 driver of the motor vehicle:

17 (1) a broadcast television image; or

18 (2) a visual image, other than text, from a digital
19 video disc or other storage device.

20 § 4581. Restraint systems.

21 (a) Occupant protection.--

22 (1) Any person who is operating a passenger car, Class I
23 truck, Class II truck, classic motor vehicle, antique motor
24 vehicle or motor home and who transports a child under four
25 years of age anywhere in the motor vehicle, including the
26 cargo area, shall fasten such child securely in a child
27 passenger restraint system, as defined in subsection (d).
28 This subsection shall apply to all persons while they are
29 operators of motor vehicles where a seating position is
30 available which is equipped with a seat safety belt or other

1 means to secure the systems or where the seating position was
2 originally equipped with seat safety belts.

3 (1.1) Any person who is operating a passenger car, Class
4 I truck, Class II truck, classic motor vehicle, antique motor
5 vehicle or motor home and who transports a child four years
6 of age or older but under eight years of age anywhere in the
7 motor vehicle, including the cargo area, shall fasten such
8 child securely in a fastened safety seat belt system and in
9 an appropriately fitting child booster seat, as defined in
10 subsection (d). This paragraph shall apply to all persons
11 while they are operators of motor vehicles where a seating
12 position is available which is equipped with a seat safety
13 belt or other means to secure the systems or where the
14 seating position was originally equipped with seat safety
15 belts. [A conviction under this paragraph by State or local
16 law enforcement agencies shall occur only as a secondary
17 action when a driver of a motor vehicle has been convicted of
18 violating any other provision of this title.]

19 (2) [Except for children under eight years of age and
20 except as provided in paragraphs (1) and (1.1), each]

21 (i) The driver [and front seat occupant] of a
22 passenger car, Class I truck, Class II truck or motor
23 home operated in this Commonwealth shall [wear] secure or
24 cause to be secured in a properly adjusted and fastened
25 safety seat belt system the driver and every vehicle
26 occupant between eight years of age and 18 years of age.

27 [A conviction under this paragraph by State or local law
28 enforcement agencies shall occur only as a secondary
29 action when a driver of a motor vehicle has been
30 convicted of any other provision of this title. The

1 driver of a passenger automobile shall secure or cause to
2 be secured in a properly adjusted and fastened safety
3 seat belt system any occupant who is eight years of age
4 or older and less than 18 years of age.]

5 (ii) Except for children under 18 years of age and
6 except as provided in paragraphs (1) and (1.1) and
7 subparagraph (i), each driver and front seat occupant of
8 a passenger car, Class I truck, Class II truck, classic
9 motor vehicle, antique motor vehicle or motor home
10 operated in this Commonwealth shall wear a properly
11 adjusted and fastened safety seat belt system.

12 (iii) This paragraph shall not apply to:

13 [(i)] (A) A driver or front seat occupant of any
14 vehicle manufactured before July 1, 1966.

15 [(ii)] (B) A driver or front seat occupant who
16 possesses a written verification from a physician
17 that he is unable to wear a safety seat belt system
18 for physical or medical reasons, or from a
19 psychiatrist or other specialist qualified to make an
20 informed judgment that he is unable to wear a safety
21 seat belt system for psychological reasons.

22 [(iii)] (C) A rural letter carrier while
23 operating any motor vehicle during the performance of
24 his duties as a United States postal service rural
25 letter carrier only between the first and last
26 delivery points.

27 [(iv)] (D) A driver who makes frequent stops and
28 is traveling less than 15 miles per hour for the
29 purpose of delivering goods or services while in the
30 performance of his duties and only between the first

1 and last delivery points.

2 A violation of this paragraph shall not be subject to the
3 assessment of any points under section 1535 (relating to
4 schedule of convictions and points).

5 (3) A driver who is under 18 years of age may not
6 operate a motor vehicle in which the number of passengers
7 exceeds the number of available safety seat belts in the
8 vehicle.

9 (b) Offense.--Anyone who fails to comply with the provisions
10 of subsection (a)(1) or (1.1) shall be guilty of a summary
11 offense with a maximum fine of \$100. The court imposing and
12 collecting any such fines shall transfer the fines thus
13 collected to the State Treasurer for deposit in the Child
14 Passenger Restraint Fund, pursuant to section 4582 (relating to
15 Child Passenger Restraint Fund). Anyone who violates subsection
16 (a)(2) or (3) commits a summary offense and shall, upon
17 conviction, be sentenced to pay a fine of \$10. No person shall
18 be convicted of a violation of subsection [(a)(2)] (a)(2) or (3)
19 unless the person is also convicted of another violation of this
20 title which occurred at the same time. No costs as described in
21 42 Pa.C.S. § 1725.1 (relating to costs) shall be imposed for
22 summary conviction of subsection (a)(2) or (3). Conviction under
23 this subsection shall not constitute a moving violation.

24 * * *

25 Section 7. This act shall take effect in 60 days.