

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL****No. 67** Session of  
2009

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WATSON, JANUARY 26, 2009

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REFERRED TO COMMITTEE ON TRANSPORTATION, JANUARY 26, 2009

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## 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

1 provisions of this title which are applicable to specific  
2 provisions of this title, the following words and phrases when  
3 used in this title shall have, unless the context clearly  
4 indicates otherwise, the meanings given to them in this section:

5 \* \* \*

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

12 \* \* \*

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

15 § 1503. Persons ineligible for licensing; license issuance to  
16 minors; junior driver's license.

17 \* \* \*

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

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

28 (2) A licensed junior driver conforming to the  
29 requirements of section 1507 (relating to application for  
30 driver's license or learner's permit by minor) may drive a

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

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

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

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

1 operating privileges of the junior driver until the junior  
2 driver attains 18 years of age or for a period of time not  
3 exceeding 90 days.

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

6 § 1505. Learners' permits.

7 \* \* \*

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

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

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

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

1 this form readily available through the mail or electronic  
2 means.

3 \* \* \*

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

6 \* \* \*

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

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

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

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

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

1 suspension under this paragraph shall be in lieu of a  
2 suspension under subsection (d)(1).

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

4 § 3316. Prohibiting interactive wireless communications  
5 devices.

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

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

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

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

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

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

29 "911." The number used by a public agency located in whole  
30 or in part within this Commonwealth authorized by law to provide

1 emergency telephone service to access firefighting, law  
2 enforcement, ambulance, emergency medical or other emergency  
3 services.

4 Section 4. Section 3752(a) of Title 75 is amended to read:  
5 § 3752. Accident report forms.

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

20 \* \* \*

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

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

25 \* \* \*

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

1 note whether the driver of the motor vehicle was using an  
2 interactive wireless communications device when the accident  
3 occurred. The data shall be included in a report submitted to  
4 the Transportation Committee of the Senate and the  
5 Transportation Committee of the House of Representatives.

6 \* \* \*

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

9 § 4527. [Television] Video receiving equipment.

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

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

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

29 (1) [Television-type receiving equipment] Image display  
30 devices in a vehicle used exclusively for safety or law

1 enforcement purposes as approved by the Pennsylvania State  
2 Police.

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

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

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

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

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

18 (1) a broadcast television image; or

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

21 § 4581. Restraint systems.

22 (a) Occupant protection.--

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

1 available which is equipped with a seat safety belt or other  
2 means to secure the systems or where the seating position was  
3 originally equipped with seat safety belts.

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

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

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

28 [A conviction under this paragraph by State or local law  
29 enforcement agencies shall occur only as a secondary  
30 action when a driver of a motor vehicle has been

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

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

13 (iii) This paragraph shall not apply to:

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

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

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

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

1 performance of his duties and only between the first  
2 and last delivery points.

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

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

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

25 \* \* \*

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