

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 67 Session of
2009

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JANUARY 26, 2009

SENATOR CORMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, MARCH 22, 2010

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, FOR GENERAL REQUIREMENTS FOR OTHER ←
9 VEHICLES TRANSPORTING SCHOOL CHILDREN AND for restraint
10 systems, ~~for the offense of careless driving, for~~ ←
11 ~~applicability and uniformity of law and for disposition and~~
12 ~~use of liquid fuels and fuels tax.~~

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

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. Section 102 of Title 75 of the Pennsylvania

1 Consolidated Statutes is amended by adding a definition to read:

2 § 102. Definitions.

3 Subject to additional definitions contained in subsequent
4 provisions of this title which are applicable to specific
5 provisions of this title, the following words and phrases when
6 used in this title shall have, unless the context clearly
7 indicates otherwise, the meanings given to them in this section:

8 * * *

9 "Interactive wireless communications device." Any wireless
10 electronic communications device that provides for voice or data
11 communication between two or more parties, including, but not
12 limited to, a mobile or cellular telephone, a text messaging
13 device, a personal digital assistant that sends or receives
14 messages or a laptop computer. The term does not include:

15 (1) an amateur radio;

16 (2) a citizens band radio;

17 (3) a two-way radio communication device; or

18 (4) a communication device that is affixed to a mass
19 transit vehicle, bus or school bus.

20 * * *

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

23 § 1503. Persons ineligible for licensing; license issuance to
24 minors; junior driver's license.

25 * * *

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

1 driver attains 18 years of age.

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

6 (2) A licensed junior driver conforming to the
7 requirements of section 1507 (relating to application for
8 driver's license or learner's permit by minor) may drive a
9 vehicle upon a public highway between 11 p.m. and 5 a.m.
10 between the junior driver's home and activity or employment
11 or in the course of the junior driver's activity or
12 employment if the junior driver is a member of a volunteer
13 fire company authorized by the fire chief to engage in
14 fighting fires, is engaged in public or charitable service or
15 is employed and is carrying an affidavit or certificate of
16 authorization signed by the junior driver's fire chief,
17 supervisor or employer indicating the probable schedule of
18 the junior driver's activities. Upon termination of the
19 junior driver's activity or employment, the junior driver
20 shall surrender the affidavit or certificate to the fire
21 chief, supervisor or employer. If the junior driver shall
22 fail to surrender the affidavit or certificate, the employer,
23 fire chief or supervisor shall immediately notify the
24 Pennsylvania State Police.

25 ~~(2.1) Except as set forth in paragraph (2.2), a junior~~ ←
26 ~~driver may not drive a vehicle with more than one passenger~~
27 ~~under 18 years of age.~~

28 ~~(2.2) With parental or in loco parentis approval, a~~
29 ~~junior driver may drive a vehicle with passengers under 18~~
30 ~~years of age who are siblings or relatives who live in the~~

~~same dwelling as the junior driver.~~

(2.1) FOR THE FIRST SIX MONTHS AFTER ISSUANCE OF THE JUNIOR DRIVER'S LICENSE, A JUNIOR DRIVER SHALL NOT DRIVE A VEHICLE WITH MORE THAN ONE PASSENGER UNDER 18 YEARS OF AGE WHO IS NOT A MEMBER OF THE DRIVER'S IMMEDIATE FAMILY UNLESS THE JUNIOR DRIVER IS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN. AFTER THE EXPIRATION OF THE FIRST SIX MONTHS, A JUNIOR DRIVER SHALL NOT DRIVE A VEHICLE WITH MORE THAN THREE PASSENGERS UNDER 18 YEARS OF AGE WHO ARE NOT MEMBERS OF THE DRIVER'S IMMEDIATE FAMILY UNLESS THE JUNIOR DRIVER IS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN. FOR PURPOSES OF THIS SUBSECTION, A JUNIOR DRIVER'S IMMEDIATE FAMILY SHALL INCLUDE BROTHERS, SISTERS, STEPBROTHERS OR STEPSISTERS OF THE DRIVER, INCLUDING ADOPTED OR FOSTER CHILDREN RESIDING IN THE SAME HOUSEHOLD AS THE JUNIOR DRIVER.

(3) In addition to the other provisions of this title relating to the suspension or revocation of operating privileges, in the event that a licensed junior driver is involved in an accident reportable under section 3746(a) for which the junior driver is partially or fully responsible in the opinion of the department or is convicted of any violation of this title, the department may suspend the operating privileges of the junior driver until the junior driver attains 18 years of age or for a period of time not exceeding 90 days.

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

~~§ 1505. Learners' permits.~~

~~* * *~~

~~(c) Authorization to test for driver's license and junior~~

~~driver's license. A person with a learner's permit is
authorized to take the examination for a regular or junior
driver's license for the class of vehicle for which a permit is
held. Before a person under the age of 18 years may take the
examination for a junior driver's license, the minor must:~~

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

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

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

~~* * *~~

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

* * *

(e) Additional suspension of operating privilege.--

(1) In addition to any other provisions of law relating

1 to the suspension or revocation of operating privileges, a
2 person's operating privileges shall be suspended under any of
3 the following circumstances:

4 (i) Prior to reaching age 18, the person violates
5 section 3362 (relating to maximum speed limits) by
6 traveling 26 miles per hour or more over the posted speed
7 limit and the violation results in a conviction, guilty
8 plea or plea of no contest before or after the person
9 reaches age 18.

10 (ii) The person accumulates six or more points under
11 the provisions of section 1535 (relating to schedule of
12 convictions and points) and the violations resulting in
13 points accumulation were committed before the person
14 reached age 18.

15 (2) The first suspension under paragraph (1) shall be
16 for a period of 90 days with every subsequent suspension
17 under paragraph (1) to be for a period of 120 days.
18 Suspensions under paragraph (1) shall be imposed
19 consecutively to each other and to any other suspension. A
20 suspension under paragraph (1) shall be considered a
21 subsequent suspension even if it is imposed contemporaneously
22 with a first suspension imposed under paragraph (1). A
23 suspension under this paragraph shall be in lieu of a
24 suspension under subsection (d)(1).

25 Section 3. Title 75 is amended by adding a section to read:
26 § 3316. Prohibiting interactive wireless communications
27 devices.

28 (a) Drivers subject to restriction.--No driver with a
29 learners' permit or junior driver's license shall drive a motor
30 vehicle on a highway or trafficway in this Commonwealth while

using an interactive wireless communications device.

(b) Exceptions.--This section shall not apply to:

(1) Persons who use an interactive wireless communications device to contact a 511 service or 911 system.

(2) Emergency service personnel who are using an interactive wireless communication device in the performance of official duties.

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

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

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

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

"911." The number used by a public agency located in whole or in part within this Commonwealth authorized by law to provide emergency telephone service to access firefighting, law enforcement, ambulance, emergency medical or other emergency services.

Section 4. ~~Sections 3714 and~~ SECTION 3752(a) of Title 75 are

IS amended to read:

~~§ 3714. Careless driving.~~



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

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

~~(c) Serious bodily injury. If the person who violates this section unintentionally causes the serious bodily injury of another person as a result of the violation, the person shall, upon conviction, be sentenced to pay a fine of \$250.~~

~~(c.1) Increased fine for distracted driver. Upon conviction for a violation of this section where at the time of the violation the person made use of any device not associated with the safe operation of the vehicle, including, but not limited to, the following:~~

~~(1) an interactive wireless communications device;~~

~~(2) an electronic, electrical or mechanical device;~~

~~(3) a personal grooming device;~~

~~(4) food;~~

~~(5) drink; and~~

~~(6) any printed material,~~

~~the fine imposed for the violation shall be increased by \$50.~~

~~(c.2) Effect of increase in fine. The fact that an increase in fine was imposed pursuant to subsection (c.1) shall not be:~~

~~(1) Admissible as evidence in any civil or criminal proceeding.~~

~~(2) Used in any manner whatsoever by an insurer to charge an insured a higher premium for a policy of insurance.~~

~~(c.3) Construction. Subsection (c.1) shall not be construed~~

~~to impose any legal obligation upon any person to inform any driver or the public at large about the provisions of the subsection.~~

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

~~"Distracted." Having a person's attention diverted from operating a vehicle by the use of any device, including, but not limited to, an electronic, electrical, mechanical or personal grooming device, food, drink, book or printed material.~~

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

§ 3752. Accident report forms.

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

1 * * *

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

4 § 3753. Department to compile, tabulate and analyze accident
5 reports.

6 * * *

7 (b.1) Report on interactive wireless communications
8 devices.--The department shall annually compile and make
9 available to the public information submitted on an accident
10 report concerning interactive wireless communications devices in
11 motor vehicles involved in traffic accidents. The report shall
12 note whether the driver of the motor vehicle was using an
13 interactive wireless communications device when the accident
14 occurred. The data shall be included in a report submitted to
15 the Transportation Committee of the Senate and the
16 Transportation Committee of the House of Representatives.

17 * * *

18 Section 6. Sections ~~4527~~, 4527, 4553(B) AND 4581(a) and (b) ←
19 ~~and 6101~~ of Title 75 are amended to read: ←

20 § 4527. [Television] Video receiving equipment.

21 (a) General rule.--[No] Except as provided in subsection
22 (c), no person shall drive a motor vehicle [operated on a
23 highway shall be] equipped with [television-type] any image
24 display device, video receiving equipment, including a receiver,
25 a video monitor or a television or video screen capable of
26 displaying a television broadcast or video signal that produces
27 entertainment or business applications or similar equipment
28 which is located in the motor vehicle at any point forward of
29 the back of the driver's seat [or otherwise], or which is
30 visible, directly or indirectly, to the driver while operating

1 the motor vehicle.

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

8 (b) Exception.--This section shall not apply to the
9 following:

10 (1) [Television-type receiving equipment] Image display
11 devices in a vehicle used exclusively for safety or law
12 enforcement purposes as approved by the Pennsylvania State
13 Police.

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

17 (3) Image display devices that provide vehicle
18 information related to the driving task or to enhance or
19 supplement the driver's view forward, behind or to the sides
20 of the motor vehicle or permit the driver to monitor vehicle
21 occupants behind the driver.

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

24 (5) Image display devices which display an image while a
25 vehicle is parked.

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

29 (1) a broadcast television image; or

30 (2) a visual image, other than text, from a digital

video disc or other storage device.

§ 4553. GENERAL REQUIREMENTS FOR OTHER VEHICLES TRANSPORTING
SCHOOL CHILDREN.

* * *

(B) SCHOOL-CHARTERED BUS.--IN ADDITION TO SCHOOL BUSES,
SCHOOL-CHARTERED BUSES, WHICH ARE DESIGNED TO TRANSPORT 16 OR
MORE PASSENGERS, INCLUDING THE DRIVER, AND WHICH ARE OPERATED BY
A PERSON HOLDING A CERTIFICATE OF THE PENNSYLVANIA PUBLIC
UTILITY COMMISSION OR THE INTERSTATE COMMERCE COMMISSION, MAY BE
USED UNDER A SHORT-TERM CONTRACT WITH A SCHOOL WHICH HAS
ACQUIRED THE EXCLUSIVE USE OF THE VEHICLE AT A FIXED CHARGE TO
[PROVIDE TRANSPORTATION OF] TRANSPORT SCHOOL CHILDREN TO A
[SPECIAL] SCHOOL-RELATED EVENT, PROVIDED THAT THE VEHICLE IS NOT
USED TO TRANSPORT SCHOOL CHILDREN TO OR FROM THEIR RESIDENCES OR
DESIGNATED BUS STOPS. A SCHOOL-CHARTERED VEHICLE MAY BE USED
WITHOUT RESTRICTION FOR THE TRANSPORTATION OF SCHOOL CHILDREN
WITH SPECIAL NEEDS AS MAY BE NECESSARY TO MAKE REASONABLE
ACCOMMODATIONS PURSUANT TO THE AMERICANS WITH DISABILITIES ACT
OF 1990 (PUBLIC LAW 101-336, 104 STAT. 327).

* * *

§ 4581. Restraint systems.

(a) Occupant protection.--

(1) Any person who is operating a passenger car, Class I
truck, Class II truck, classic motor vehicle, antique motor
vehicle or motor home and who transports a child under four
years of age anywhere in the motor vehicle, including the
cargo area, shall fasten such child securely in a child
passenger restraint system, as defined in subsection (d).
This subsection shall apply to all persons while they are
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 for the driver, if under 18 years
27 of age, and every vehicle occupant eight years of age or
28 older but under 18 years of age. [A conviction under this
29 paragraph by State or local law enforcement agencies
30 shall occur only as a secondary action when a driver of a

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

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

14 (iii) This paragraph shall not apply to:

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

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

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

29 [(iv)] (D) A driver who makes frequent stops and
30 is traveling less than 15 miles per hour for the

1 purpose of delivering goods or services while in the
2 performance of his duties and only between the first
3 and last delivery points.

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

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

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

26 * * *

27 ~~§ 6101. Applicability and uniformity of title.~~

28 ~~(a) Requirement.~~ The provisions of this title shall be
29 ~~applicable and uniform throughout this Commonwealth and in all~~
30 ~~political subdivisions in this Commonwealth, and no local~~



~~authority shall enact or enforce any ordinance on a matter covered by the provisions of this title unless expressly authorized.~~

~~(b) Sanctions. When a court of competent jurisdiction determines that an ordinance adopted by a local authority is in violation of subsection (a), the local authority is subject to the following sanctions until the local authority repeals or substantially amends the ordinance to remove the language that was found to be in violation of subsection (a):~~

~~(1) Suspension of capital expenditures for bridges and highways.~~

~~(2) Suspension of allocation under the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law.~~

~~(3) Suspension of allocation and apportionment under section 9010(c.1) (relating to disposition and use of tax).~~

~~(c) Suspended funds. Upon notification that the local authority has repealed or substantially amended the ordinance to remove the language that was found to be in violation of subsection (a), the department shall immediately end all sanctions against the local authority and return all suspended funds to the local authority.~~

~~Section 7. Section 9010(c) introductory paragraph of Title 75 is amended and the section is amended by adding subsections to read:~~

~~§ 9010. Disposition and use of tax.~~

~~* * *~~

~~(c) Allocation of money. [The] Except as set forth in subsection (c.1), the county commissioners may allocate and apportion money from the County Liquid Fuels Tax Fund to the~~

~~political subdivisions within the county in the ratio as provided in this subsection. When the unencumbered balance in the County Liquid Fuels Tax Fund is greater than the receipts for the 12 months immediately preceding the date of either of the reports, the county commissioners shall notify the political subdivisions to make application within 90 days for participation in the redistribution of the unencumbered balance. Redistribution shall be effected within 120 days of the date of either of the reports. The county commissioners may distribute the unencumbered balance in excess of 50% of the receipts for the previous 12 months to the political subdivisions making application in the following manner:~~

~~* * *~~

~~(c.1) Forfeiture. All money allocated under subsection (c) to a political subdivision which, under section 6109(a) (relating to specific powers of department and local authorities), violates section 6101(a) (relating to applicability and uniformity of title) shall be withheld by the county during the period of time in which the municipality is in violation of section 6101(a).~~

~~(c.2) Release funds. Upon notification that the local authority has repealed or substantially amended the ordinance to remove the language that was found to be in violation of section 6101(a), the county shall release those funds withheld by the county and due the local agency.~~

~~* * *~~

Section 8 7. This act shall take effect as follows:

~~(1) The amendment or addition of 75 Pa.C.S. § 9010(c) and (c.1) shall take effect January 1, 2010.~~

~~(2) This section shall take effect immediately.~~



1 ~~(3) The remainder of this act shall take effect in 60~~
2 days.