

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 502 Session of 2009

INTRODUCED BY ROSS, GEIST, BARRAR, BEYER, BRENNAN, CALTAGIRONE, CRUZ, CUTLER, FABRIZIO, FLECK, GIBBONS, GINGRICH, HENNESSEY, HESS, HICKERNELL, HORNAMAN, MANN, MELIO, MILNE, MUNDY, O'NEILL, READSHAW, REICHLEY, SCAVELLO, SIPTROTH, STERN, VULAKOVICH AND WATSON, FEBRUARY 18, 2009

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 18, 2009

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

another person as a result of the violation, the person shall,
upon conviction, be sentenced to pay a fine of \$250.

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

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

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

(c.2) Civil actions.--

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

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

(ii) considered as contributory negligence; or

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

(2) This section shall not be construed to impose any
legal obligation upon or impute any civil liability
whatsoever to an owner, employer, manufacturer, dealer or
person engaged in the business of renting or leasing vehicles

1 to the public to inform the public about the provisions of
2 subsection (c.1).

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

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

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

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

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

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