

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 538 Session of 2009

INTRODUCED BY SHAPIRO, BOBACK, BRADFORD, BRENNAN, BRIGGS, CALTAGIRONE, CARROLL, CLYMER, COHEN, D. COSTA, CRUZ, DALLY, DeLUCA, DePASQUALE, DeWEESE, DiGIROLAMO, DRUCKER, FABRIZIO, FRANKEL, FREEMAN, GALLOWAY, GERGELY, GILLESPIE, GINGRICH, GRUCELA, HARHAI, HARKINS, HENNESSEY, HORNAMAN, KESSLER, KILLION, KORTZ, KULA, MAHONEY, MANN, McILVAINE SMITH, MELIO, MENSCH, MICCARELLI, MILLARD, MILNE, MUNDY, MURPHY, MUSTIO, O'NEILL, PASHINSKI, PETRARCA, PETRI, PRESTON, QUINN, READSHAW, REED, REICHLEY, SABATINA, SAMUELSON, SANTARSIERO, SCHRODER, SIPTROTH, K. SMITH, M. SMITH, STABACK, SWANGER, THOMAS, VEREB, WAGNER, WATSON AND YUDICHAK, FEBRUARY 19, 2009

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 19, 2009

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in general provisions, further providing for
3 definitions; and, in rules of the road in general,
4 prohibiting interactive wireless communications devices.

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

7 Section 1. Section 102 of Title 75 of the Pennsylvania
8 Consolidated Statutes is amended by adding a definition to read:
9 § 102. Definitions.

10 Subject to additional definitions contained in subsequent
11 provisions of this title which are applicable to specific
12 provisions of this title, the following words and phrases when
13 used in this title shall have, unless the context clearly
14 indicates otherwise, the meanings given to them in this section:

1 * * *

2 "Interactive wireless communications device." Any wireless
3 electronic communications device that provides for voice or data
4 communication between two or more parties, including, but not
5 limited to, a mobile or cellular telephone, a text messaging
6 device, a personal digital assistant that sends or receives
7 messages or a laptop computer. The term does not include a
8 citizens band radio, a two-way radio communication device or a
9 device that is permanently affixed during operation to a bus or
10 school bus.

11 * * *

12 Section 2. Title 75 is amended by adding a section to read:
13 § 3316. Prohibiting interactive wireless communications
14 devices.

15 (a) Driver restrictions.--

16 (1) No driver shall operate a motor vehicle on a highway
17 or trafficway in this Commonwealth while using an interactive
18 wireless communications device unless the interactive
19 wireless communications device is a hands-free interactive
20 wireless communications device.

21 (2) No driver with a learner's permit or junior driver's
22 license shall operate a motor vehicle on a highway or
23 trafficway in this Commonwealth while using an interactive
24 wireless communications device.

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

26 (1) persons who use an interactive wireless
27 communications device to contact a 511 service or 911 system
28 for the purpose of reporting an accident, an emergency or
29 obtaining directions;

30 (2) operators of emergency vehicles while engaged in the

1 performance of official duties; or

2 (3) operators of public passenger transportation, as
3 defined in 74 Pa.C.S. § 1503 (relating to definitions).

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

8 (d) Penalty.--A person who violates subsection (a) commits a
9 summary offense and shall, upon conviction, be sentenced to pay
10 a fine of \$50.

11 (e) Preemption of local ordinances.--This section supersedes
12 and preempts all ordinances of any municipality with regard to
13 the use of an interactive wireless communication device by an
14 operator of a motor vehicle.

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

18 "511 service." Three-digit telecommunications dialing to
19 access an intelligent transportation system traveler information
20 service provided in this Commonwealth in accordance with the
21 Federal Communications Commission and the United States
22 Department of Transportation.

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

28 "Hands free interactive wireless communications device." An
29 interactive wireless communications device that has an internal
30 feature or that is equipped with an attachment or addition,

1 whether permanently part of the interactive wireless
2 communications device, by which a user engages in a voice or
3 data communication without the use of either hand and regardless
4 of whether either hand is used to activate, deactivate or
5 initiate a function of the interactive wireless communications
6 device.

7 Section 3. This act shall take effect in 60 days.