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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 109 Session of  
2013

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INTRODUCED BY ROSS, SCHLOSSBERG, CUTLER, STEPHENS, BIZZARRO,  
TALLMAN, D. COSTA, DEAN, MUNDY, HARPER, HESS, KAUFFMAN,  
FRANKEL, O'NEILL, GROVE, FLECK, HICKERNELL, SANTARSIERO,  
MURT, READSHAW, WATSON, DENLINGER AND HARHART,  
JANUARY 15, 2013

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REFERRED TO COMMITTEE ON TRANSPORTATION, JANUARY 15, 2013

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AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for the offense of careless  
3 driving; establishing the Driver Distraction Awareness Fund;  
4 and providing for additional duties of the Department of  
5 Transportation.

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

8 Section 1. Section 3714 of Title 75 of the Pennsylvania  
9 Consolidated Statutes is amended to read:

10 § 3714. Careless driving.

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

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

18 (c) Serious bodily injury.--If the person who violates this

1 section unintentionally causes the serious bodily injury of  
2 another person as a result of the violation, the person shall,  
3 upon conviction, be sentenced to pay a fine of \$250.

4 (c.1) Additional fine for distracted driver.--

5 (1) Any person who violates this section and at the time  
6 of the violation is distracted by the use of any of the  
7 following, including, but not limited to:

8 (i) an interactive wireless communications device;

9 (ii) an electronic, electrical or mechanical device;

10 (iii) a personal grooming device;

11 (iv) food;

12 (v) drink; or

13 (vi) any printed material,

14 shall in addition to any other penalty imposed be sentenced  
15 to pay a fine of \$50.

16 (2) The provisions of this subsection shall not apply to  
17 any person unless the person is convicted under subsection  
18 (a) for a violation which occurred at the same time. No costs  
19 as described under 42 Pa.C.S. § 1725.1 (relating to costs)  
20 shall be imposed on account of any increased fine under this  
21 subsection. Application of this subsection shall not  
22 constitute a moving violation.

23 (3) Fines collected under this subsection shall be paid  
24 to the Commonwealth for deposit into the Driver Distraction  
25 Awareness Fund.

26 (c.2) Report.--The department shall submit to the General  
27 Assembly a report on the effects of subsection (c.1) by August  
28 31, 2012.

29 (d) Definition.--As used in this section, the term  
30 "distracted" means having a person's attention diverted from

1 operating a vehicle by any task or item, including, but not  
2 limited to, a task or item listed under subsection (c.1)(1).

3 Section 2. Title 75 is amended by adding a section to read:  
4 § 3714.1. Driver Distraction Awareness Fund.

5 (a) Fund established.--The Driver Distraction Awareness Fund  
6 is established in the Motor License Fund as a special restricted  
7 receipts account hereby earmarked for and appropriated to the  
8 department. This fund shall consist of all fines deposited  
9 pursuant to section 3714(c.1) (relating to careless driving),  
10 all Federal funds granted for that use and any moneys donated  
11 into the fund. All such funds shall be used solely for the  
12 purpose of the educational program established in subsection  
13 (b).

14 (b) Educational program.--The department shall initiate an  
15 educational program to begin immediately to alert the public to  
16 the provisions of section 3714(c.1) and the requirements and  
17 penalties specified in section 3714(c.1). The program shall also  
18 encourage motorists to eliminate distractions in the vehicle as  
19 a means of reducing the risk of harm to themselves as well as to  
20 others.

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