

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 693 Session of 2013

INTRODUCED BY MARKOSEK, K. BOYLE, D. COSTA, STEPHENS, KAVULICH, HAGGERTY, DAVIS, COHEN, FRANKEL, BOBACK, PASHINSKI, BROWNLEE, SWANGER, SABATINA, SANTARSIERO, MILLARD, CARROLL, FARINA, READSHAW, MUNDY, KORTZ, MOUL, MURT, KINSEY, DELUCA, DEAN, FREEMAN AND BRADFORD, FEBRUARY 13, 2013

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 13, 2013

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further defining "interactive wireless
3 communications device"; prohibiting use of interactive
4 wireless communications device; and further providing for
5 duty of driver in construction and maintenance areas or on
6 highway safety corridors and for duty of driver in emergency
7 response areas.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. The definition of "interactive wireless
11 communications device" in section 102 of Title 75 of the
12 Pennsylvania Consolidated Statutes is amended to read:

13 § 102. Definitions.

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

19 * * *

1 "Interactive wireless communications device." A wireless
2 telephone, personal digital assistant, smart phone, portable or
3 mobile computer or similar device which can be used for voice
4 communication, texting, e-mailing, browsing the Internet or
5 instant messaging. The term does not include any of the
6 following:

7 (1) a device being used exclusively as a global
8 positioning or navigation system;

9 (2) a system or device that is physically or
10 electronically integrated into the vehicle; [or]

11 (3) a communications device that is affixed to a mass
12 transit vehicle, bus or school bus[.]; or

13 (4) an amateur radio or a citizens band radio.

14 * * *

15 Section 2. Section 3316 of Title 75 is amended to read:

16 § 3316. Prohibiting [text-based communications] use of
17 interactive wireless communications device.

18 (a) Prohibition.--[No driver]

19 (1) Except as provided in subsection (b), no person
20 shall [operate] drive a motor vehicle on a [highway] roadway
21 or trafficway in this Commonwealth while using an interactive
22 wireless communications device [to send, read or write a
23 text-based communication while the vehicle is in motion. A
24 person does not send, read or write a text-based
25 communication when the person reads, selects or enters a
26 telephone number or name in an interactive wireless
27 communications device for the purpose of activating or
28 deactivating a voice communication or a telephone call.] for
29 a purpose other than:

30 (i) voice communication through the use of an

interactive wireless communications device while in hands-free mode;

(ii) reading, selecting or entering a telephone number or name into an interactive wireless communications device for the purpose of voice communication; or

(iii) utilizing a global positioning or navigation system.

(2) No person with a learner's permit or junior driver's license shall drive a motor vehicle upon a roadway or trafficway in this Commonwealth while using an interactive wireless communications device.

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

(1) A person using an interactive wireless communications device to contact a 911 system or wireless E-911 service, as defined in 35 Pa.C.S. § 5302 (relating to definitions).

(2) A person using an interactive wireless communications device when the vehicle is stopped due to a traffic obstruction and the motor vehicle transmission is in neutral or park.

(3) Operators of emergency vehicles who use an interactive wireless communications device for voice communication for the purpose of responding to an emergency while engaged in the performance of their official duties.

(4) Volunteer emergency responders who use an interactive wireless communications device for voice communication for the purpose of responding to an emergency while engaged in the performance of their official duties.

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

5 (d) Penalty.--

6 (1) A person who violates subsection (a) commits a
7 summary offense and shall, upon conviction, be sentenced to
8 pay a fine of \$50.

9 (2) A person who violates subsection (a) while passing
10 through a school zone, as defined and provided under the
11 regulations of the department, commits a summary offense and
12 shall, upon conviction, be sentenced to pay a fine of \$100.
13 An official traffic-control device shall indicate the
14 beginning and end of each school zone to traffic approaching
15 in each direction. Establishment of a school zone, including
16 its location and hours of operation, shall be approved by the
17 department.

18 (e) Preemption of local ordinances.--In accordance with
19 section 6101 (relating to applicability and uniformity of
20 title), this section supersedes and preempts all ordinances of
21 any municipality with regard to the use of an interactive
22 wireless communications device by the driver of a motor vehicle.

23 (e.1) Public education and awareness programs.--The
24 department shall develop and maintain Statewide public education
25 and awareness programs to combat distracted driving and promote
26 awareness of the provisions of this section.

27 (f) [Definition.--As used in this section, the term "text-
28 based communication" means a text message, instant message,
29 electronic mail or other written communication composed or
30 received on an interactive wireless communications device.]

1 Definitions.--As used in this section, the following words and
2 phrases shall have the meanings given to them in this subsection
3 unless the context clearly indicates otherwise:

4 "Hands-free mode." The use of an interactive wireless
5 communications device that allows the user to engage in
6 communication without the use of either hand by means of an
7 internal feature or function or an attachment or device.

8 "Volunteer emergency responder." Any of the following:

9 (1) A member of a volunteer ambulance service as defined
10 in 35 Pa.C.S. § 7363 (relating to definitions).

11 (2) A member of a volunteer fire company as defined in
12 35 Pa.C.S. § 7363.

13 (3) A member of a volunteer rescue service as defined in
14 35 Pa.C.S. § 7363.

15 Section 3. Sections 3326(c) and 3327(e) of Title 75 are
16 amended to read:

17 § 3326. Duty of driver in construction and maintenance areas or
18 on highway safety corridors.

19 * * *

20 (c) Fines to be doubled.--For any of the following
21 violations, when committed in an active work zone manned by
22 workers acting in their official capacity or on a highway safety
23 corridor designated under section 6105.1 (relating to
24 designation of highway safety corridors), the fine shall be
25 double the usual amount:

26 Section 3102 (relating to obedience to authorized persons
27 directing traffic).

28 Section 3111 (relating to obedience to traffic-control
29 devices).

30 Section 3112 (relating to traffic-control signals).

Section 3114 (relating to flashing signals).

Section 3302 (relating to meeting vehicle proceeding in opposite direction).

Section 3303 (relating to overtaking vehicle on the left).

Section 3304 (relating to overtaking vehicle on the right).

Section 3305 (relating to limitations on overtaking on the left).

Section 3306 (relating to limitations on driving on left side of roadway).

Section 3307 (relating to no-passing zones).

Section 3309 (relating to driving on roadways laned for traffic).

Section 3310 (relating to following too closely).

Section 3316 (relating to prohibiting use of interactive wireless communications device).

Section 3323 (relating to stop signs and yield signs).

Section 3326 (relating to duty of driver in construction and maintenance areas or on highway safety corridors).

Section 3361 (relating to driving vehicle at safe speed).

Section 3362 (relating to maximum speed limits).

Section 3702 (relating to limitations on backing).

Section 3714 (relating to careless driving).

Section 3736 (relating to reckless driving).

Section 3802 (relating to driving under influence of alcohol or controlled substance).

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§ 3327. Duty of driver in emergency response areas.

* * *

(e) Fines to be doubled.--In addition to any penalty as provided in subsection (b), the fine for any of the following

1 violations when committed in an emergency response area manned
2 by emergency service responders shall be double the usual
3 amount:

4 Section 3102 (relating to obedience to authorized persons
5 directing traffic).

6 Section 3111 (relating to obedience to traffic-control
7 devices).

8 Section 3114 (relating to flashing signals).

9 Section 3302 (relating to meeting vehicle proceeding in
10 opposite direction).

11 Section 3303 (relating to overtaking vehicle on the left).

12 Section 3304 (relating to overtaking vehicle on the right).

13 Section 3305 (relating to limitations on overtaking on the
14 left).

15 Section 3306 (relating to limitations on driving on left side
16 of roadway).

17 Section 3307 (relating to no-passing zones).

18 Section 3310 (relating to following too closely).

19 Section 3312 (relating to limited access highway entrances
20 and exits).

21 Section 3316 (relating to prohibiting use of interactive
22 wireless communications device).

23 Section 3323 (relating to stop signs and yield signs).

24 Section 3325 (relating to duty of driver on approach of
25 emergency vehicle).

26 Section 3361 (relating to driving vehicle at safe speed).

27 Section 3707 (relating to driving or stopping close to fire
28 apparatus).

29 Section 3710 (relating to stopping at intersection or
30 crossing to prevent obstruction).

1 Section 3714 (relating to careless driving).

2 Section 3736 (relating to reckless driving).

3 Section 3802 (relating to driving under influence of alcohol
4 or controlled substance).

5 * * *

6 Section 4. This act shall take effect in 60 days.