THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL No. 1461 Session of 2017

INTRODUCED BY DELUCA, SOLOMON, HAGGERTY, SCHLOSSBERG, SAMUELSON, MILLARD, O'NEILL, O'BRIEN, THOMAS, READSHAW AND COMITTA, MAY 31, 2017

REFERRED TO COMMITTEE ON TRANSPORTATION, MAY 31, 2017

AN ACT

1 2 3	Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in rules of the road in general, prohibiting use of handheld mobile telephones.
4	The General Assembly of the Commonwealth of Pennsylvania
5	hereby enacts as follows:
6	Section 1. Title 75 of the Pennsylvania Consolidated
7	Statutes is amended by adding a section to read:
8	<u>§ 3317. Prohibiting use of handheld mobile telephones.</u>
9	(a) General ruleExcept as provided in subsection (b), no
10	driver shall operate a moving vehicle on a highway of this
11	Commonwealth, which shall include Federal, State and municipal
12	highways, while using a handheld mobile telephone.
13	(b) ExceptionThis section shall not apply to law
14	enforcement officers and operators of emergency vehicles when on
15	duty and acting in their official capacities.
16	(c) DefenseIt shall be a defense to an action under this
17	section that the driver had reason to fear for the driver's
18	safety, was reporting a traffic accident or was making a 911

emergency call. 1 (d) Penalty.--A person who violates this section commits a 2 3 summary offense and shall, upon conviction, be sentenced to pay a fine of \$50. 4 (e) Definitions. -- As used in this section, the following 5 words and phrases shall have the meanings given to them in this 6 subsection unless the context clearly indicates otherwise: 7 "Handheld mobile telephone." A mobile telephone other than a 8 hands-free mobile telephone with which a user engages in a call 9 10 using at least one hand. "Hands-free mobile telephone." A mobile telephone that has 11 12 an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of the 13 14 mobile telephone, by which a user engages in a call without the use of either hand, whether or not the use of either hand is 15 16 necessary to activate, deactivate or initiate a function of the telephone. 17 18 Section 2. This act shall take effect in 60 days.

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