

VEHICLE CODE (75 PA.C.S.) - OMNIBUS AMENDMENTS

Act of Jun. 30, 2014, P.L. 814, No. 85

Cl. 75

Session of 2014

No. 2014-85

SB 1312

AN ACT

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in certificate of title and security interests, further providing for transfer of ownership of vehicles used for human habitation; in commercial drivers, further providing for definitions, and providing for texting while driving and for handheld mobile telephone; in miscellaneous provisions, further providing for accidents involving death or personal injury; in size, weight and load, further providing for length of vehicles, for conditions of permits and security for damages and for permits for movement of a mobile home or a modular housing unit and modular housing undercarriage; and making an editorial change.

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

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

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

* * *

"Manufactured home." A manufactured home as defined in section 603(6) of the National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383, 42 U.S.C. § 5402(6)). The term includes a mobile home.

* * *

Section 2. Section 1111.1(a) of Title 75 of the Pennsylvania Consolidated Statutes, added April 18, 2014 (P.L.430, No.36), is amended to read:

§ 1111.1. Transfer of ownership of vehicles used for human habitation.

(a) Tax status certification.--If a mobile home or manufactured home that has been anchored to the ground to facilitate connections with electricity, water and sewerage, **and previously titled to a person using the mobile home or manufactured home as a residence**, is offered for sale or transfer, the transferor shall obtain a tax status certification from the tax claim bureau of the county in which the mobile home or manufactured home is situated showing the real estate taxes due on the mobile home or manufactured home, as shown by the bureau's records as of the date of the certification. The tax status certification shall be provided to the transferee and the department in conjunction with the transfer of the mobile home or manufactured home and shall include the following:

(1) The parcel number assigned to the vehicle.

(2) The amount of current or delinquent taxes owed from the parcel number.

(3) The date upon which a tax for the parcel number will accrue and the taxing period that the tax will cover.

(4) The addresses and telephone numbers of the tax collection authority and tax claim bureau or equivalent office.

* * *

Section 3. Paragraph (4) of the definition of "serious traffic violation" in section 1603 of Title 75 is amended to read:

§ 1603. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Serious traffic violation."

* * *

(4) Any violation of section 1606(a) (relating to requirement for commercial driver's license), **1621(a) (relating to texting while driving), 1622(a) (relating to handheld mobile telephone)**, 3305 (relating to limitations on overtaking on left), 3306 (relating to limitations on driving on left side of roadway), 3307 (relating to no-passing zones), 3309(1), (2) or (4) (relating to driving on roadways laned for traffic), 3310 (relating to following too closely), 3326 (relating to duty of driver in construction and maintenance areas or on highway safety corridors) or 3365(c) (relating to special speed limitations).

* * *

Section 4. Title 75 is amended by adding sections to read:
§ 1621. **Texting while driving.**

(a) **Prohibition.--Except as provided under subsection (c), a driver may not engage in texting while driving a commercial motor vehicle or motor carrier vehicle.**

(b) **Employer.--Except as provided under subsection (c), an employer may not permit or require a driver of the employer to engage in texting while driving a commercial motor vehicle or motor carrier vehicle.**

(c) **Emergency use exception.--Texting while driving shall be permissible by a driver of a commercial motor vehicle or motor carrier vehicle if necessary to communicate with a law enforcement official or other emergency service.**

(d) **Penalties.--**

(1) **A person who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.**

(2) **A person who violates subsection (b) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$500.**

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

"Driving." Operating a commercial motor vehicle or motor carrier vehicle on a highway, with the motor running, including while the commercial motor vehicle or motor carrier vehicle is temporarily stationary because of traffic, a traffic control device or other momentary delay. The term does not include operating a commercial motor vehicle or motor carrier vehicle with or without the motor running if the driver moved the vehicle to the side of or off of a highway and halted in a location where the vehicle can safely remain stationary.

"Electronic device." An electronic device includes, but is not limited to, a cellular telephone, personal digital assistant, pager, computer or any other device used to input, write, send, receive or read text.

"Texting." Manually entering alphanumeric text into or reading text from an electronic device. The following shall apply:

(1) The term includes, but is not limited to, short message service, e-mailing, instant messaging, a command or request to access an Internet web page, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone or engaging in any other form of electronic text retrieval or entry, for present or future communication.

(2) The term does not include:

(i) Inputting, selecting or reading information on a global positioning system or navigation system.

(ii) Pressing a single button to initiate or terminate a voice communication using a mobile telephone.

(iii) Using a device capable of performing multiple functions, including, but not limited to, fleet management systems, dispatching devices, citizens band radios and music players, for a purpose that is not prohibited by this section.

§ 1622. Handheld mobile telephone.

(a) Commercial motor vehicle.--Except as provided under subsection (c), a driver may not use a handheld mobile telephone while driving a commercial motor vehicle or motor carrier vehicle.

(b) Employer.--Except as provided under subsection (c), an employer may not permit or require a driver of the employer to use a handheld mobile telephone while driving a commercial motor vehicle or a motor carrier vehicle.

(c) Emergency use exception.--Using a handheld mobile telephone shall be permissible by a driver of a commercial motor vehicle or motor carrier vehicle if necessary to communicate with a law enforcement official or other emergency service.

(d) Penalties.--

(1) A person who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.

(2) A person who violates subsection (b) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$500.

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

"Driving." Operating a commercial motor vehicle or motor carrier vehicle on a highway, with the motor running, including while the commercial motor vehicle or motor carrier vehicle is temporarily stationary because of traffic, a traffic control device or other momentary delay. The term does not include operating a commercial motor vehicle or motor carrier vehicle with or without the motor running if the driver moved the vehicle to the side of or off of a highway and halted in a location where the vehicle can safely remain stationary.

"Mobile telephone." A mobile communication device which uses a commercial mobile radio service, as defined in 47 CFR § 20.3 (relating to definitions). The term does not include two-way or Citizens Band Radio services.

"Use a handheld mobile telephone." As follows:

(1) Using at least one hand to hold a mobile telephone to conduct a voice communication.

(2) Dialing or answering a mobile telephone by pressing more than a single button.

(3) Reaching for a mobile telephone in a manner that requires a driver to maneuver so that the driver is no longer in a seated driving position, restrained by a seat belt that is installed in accordance with 49 CFR § 393.93 (relating to seats, seat belt assemblies, and seat belt assembly anchorages) and adjusted in accordance with the vehicle manufacturer's instructions.

Section 5. Section 1944 of Title 75, amended November 25, 2013 (P.L.974, No.89), is amended to read:

§ 1944. Mobile homes, modular housing units and modular housing undercarriages.

The fee for a special hauling permit for a mobile home, modular housing unit or modular housing undercarriage which exceeds the maximum size prescribed in this title but which does not exceed 14 feet in body width shall be \$39. The fee for a special hauling permit for a mobile home or modular housing unit, as provided in section 4973 (relating to permits for movement of a mobile home, **a manufactured home** or a modular housing unit and modular housing undercarriage), shall be \$76.

Section 6. Sections 3742(b) and 4923(a) of Title 75 are amended to read:

§ 3742. Accidents involving death or personal injury.

* * *

(b) Penalties.--

(1) Except as otherwise provided in this section, any person violating this section commits a misdemeanor of the first degree.

(2) If the victim suffers serious bodily injury, any person violating subsection (a) commits a felony of the third degree, and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than 90 days and a mandatory minimum fine of \$1,000, notwithstanding any other provision of law.

(3) (i) If the victim dies, any person violating subsection (a) commits a felony of the second degree, and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than [one year] **three years** and a mandatory minimum fine of \$2,500, notwithstanding any other provision of law.

(ii) In addition to the minimum term of imprisonment provided for in subparagraph (i), the Pennsylvania Commission on Sentencing shall provide within its guidelines a sentencing enhancement if the victim dies as the result of a violation of subsection (a). The provisions of this subparagraph shall not be an element of the crime, and notice of the provisions of this subparagraph shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this subparagraph shall be provided after conviction and before sentencing.

* * *

§ 4923. Length of vehicles.

(a) Motor vehicles.--

(1) Except as provided in paragraph (2), no motor vehicle, including any load and bumpers, shall exceed an overall length of 40 feet.

(2) Paragraph (1) does not apply to the following:

(i) A motor vehicle equipped with a boom or boomlike device if the vehicle does not exceed 55 feet.

(ii) A bus, **school bus** or motor home which does not exceed 45 feet.

(iii) An articulated bus which does not exceed 63 feet.

(iv) An automobile or boat transporter which does not exceed 45 feet, exclusive of an overhang of not more than three feet on the front and four feet on the rear.

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Section 7. Section 4962(f.2) of Title 75 is amended and the section is amended by adding subsections to read:

§ 4962. Conditions of permits and security for damages.

* * *

(f.2) One pilot car.--Vehicles greater than 13 feet but [less] **not greater** than 14 feet in body width, even if the total length of the vehicle or combination, including the load on the combination, exceeds 90 feet but is not in excess of 120 feet, shall only be required to maintain one pilot car. The position of the pilot car to the front or rear of the permitted vehicle may be determined by the department.

* * *

(f.4) **Travel restriction.**--A permitted oversized vehicle may not travel within 1,000 feet of another permitted oversized vehicle traveling in the same direction, unless the vehicle is one of the following:

(1) A military vehicle.

(2) A vehicle traveling in a construction zone.

(3) A vehicle traveling within 2,500 feet of a stop sign, traffic light or any other traffic control signal or event that would cause either vehicle to come to a stop.

(f.5) **Transport.**--Notwithstanding the provisions of this title to the contrary, a permit issued under section 4961 or 4973 (relating to permits for movement of a mobile home, a manufactured home or a modular housing unit and modular housing undercarriage) for the movement of manufactured homes, modular homes, mobile homes, manufactured construction units or modular housing undercarriages shall permit the transport of multiple sections of homes, units or undercarriages or any and all components needed or used to assemble the homes, units or undercarriages, including, but not limited to, shingles, dormers, trusses and gable end walls, provided that the multiple sections and components do not cause the overall weight to exceed 80,000 pounds or exceed the width, length or height limitations set forth in the permit.

* * *

Section 8. Section 4973 heading and (e) of Title 75 are amended to read:

§ 4973. Permits for movement of a mobile home, **a manufactured home** or a modular housing unit and modular housing undercarriage.

* * *

[(e) Restricted travel periods.--A vehicle, combination or load permitted under this section that is wider than 14 feet in body width shall be moved only from 9:00 a.m. to sunset on Monday, Tuesday, Wednesday and Thursday and from 9:00 a.m. to 12 noon on Friday. Movement under this section is not authorized at any time on Saturday or Sunday or during any holiday period specified in departmental regulations or the permit.]

Section 9. This act shall take effect in 60 days.

APPROVED--The 30th day of June, A.D. 2014.

TOM CORBETT