

AMENDMENTS TO SENATE BILL NO. 37

Sponsor: SENATOR BROWN

Printer's No. 582

1 Amend Bill, page 1, line 4, by striking out "and" and
2 inserting a comma

3 Amend Bill, page 1, line 5, by inserting after "license"
4 and for schedule of convictions and points

5 Amend Bill, page 1, lines 7 and 8, by striking out "wireless
6 communications devices" and inserting
7 mobile device

8 Amend Bill, page 2, line 3, by inserting a bracket before
9 "wireless" where it occurs the first time

10 Amend Bill, page 2, line 3, by inserting after
11 "communications"

12] mobile

13 Amend Bill, page 2, line 14, by striking out the bracket
14 before the semicolon after "vehicle"

15 Amend Bill, page 2, line 14, by inserting a bracket before
16 "or"

17 Amend Bill, page 2, lines 14 and 15, by striking out "
18 except being" and inserting

19 (2.1) a device that is

20 Amend Bill, page 3, line 26, by inserting after "(iii)"
21 printed, at the department's discretion, or

22 Amend Bill, page 4, lines 12 through 30; page 5, lines 1

1 through 20; by striking out all of said lines on said pages and
2 inserting

3 Section 4. Sections 1535(a) and 3316 of Title 75 are amended
4 to read:

5 § 1535. Schedule of convictions and points.

6 (a) General rule.--A point system for driver education and
7 control is hereby established which is related to other
8 provisions for use, suspension and revocation of the operating
9 privilege as specified under this title. Every driver licensed
10 in this Commonwealth who is convicted of any of the following
11 offenses shall be assessed points as of the date of violation in
12 accordance with the following schedule:

13	Section Number	Offense	Points
14	1512	Violation of restriction on	
15		driver's license.	2
16	1571	Violation concerning license.	3
17	3102	Failure to obey policeman or	
18		authorized person.	2
19	3111.1	Obedience to traffic-control	
20		devices warning of hazardous	
21		conditions.	2
22	3112(a) (3) (i)	Failure to stop for a red	
23	or (ii)	light.	3
24	3114(a) (1)	Failure to stop for a flashing	
25		red light.	3
26	3302	Failure to yield half of	
27		roadway to oncoming vehicle.	3
28	3303	Improper passing.	3
29	3304	Other improper passing.	3
30	3305	Other improper passing.	3
31	3306(a) (1)	Other improper passing.	4
32	3306(a) (2)	Other improper passing.	3
33	3306(a) (3)	Other improper passing.	3
34	3307	Other improper passing.	3
35	3310	Following too closely.	3
36	<u>3316(d) (3)</u>	<u>Text-based communications</u>	<u>2</u>
37	<u>3316.1(d) (3)</u>	<u>Use of interactive mobile</u>	
38		<u>device</u>	<u>2</u>
39	3321	Failure to yield to driver on	
40		the right at intersection.	3
41	3322	Failure to yield to oncoming	
42		driver when making left turn.	3
43	3323(b)	Failure to stop for stop sign.	3
44	3323(c)	Failure to yield at yield	
45		sign.	3
46	3324	Failure to yield when entering	
47		or crossing roadway between	
48		intersections.	3
49	3327(a) or	Duty of driver in emergency	

1	(a.1)	response area and in relation	
2		to disabled vehicles.	2
3	3332	Improper turning around.	3
4	3341(a)	Failure to obey signal	
5		indicating approach of train.	2
6	3341(b)	Failure to comply with	
7		crossing gate or barrier.	4
8		(and 30 days' suspension)	
9	3342(b) or (e)	Failure to stop at railroad	
10		crossings.	4
11	3344	Failure to stop when entering	
12		from alley, driveway or	
13		building.	3
14	3345(a)	Failure to stop for school bus	
15		with flashing red lights.	5
16		(and 60 days' suspension)	
17	3361	Driving too fast for	
18		conditions.	2
19	3362	Exceeding maximum speed.--Over	
20		Limit:	
21		6-10	2
22		11-15	3
23		16-25	4
24		26-30	5
25		31-over	5
26		(and departmental hearing	
27		and sanctions provided	
28		under section 1538(d))	
29	3365(b)	Exceeding special speed limit	
30		in school zone.	3
31		(and 60 days' suspension	
32		for a second or subsequent	
33		offense)	
34	3365(c)	Exceeding special speed limit	
35		for trucks on downgrades.	3
36	3542(a)	Failure to yield to pedestrian	
37		in crosswalk.	2
38	3547	Failure to yield to pedestrian	
39		on sidewalk.	3
40	3549(a)	Failure to yield to blind	
41		pedestrian.	3
42	3702	Improper backing.	3
43	3714(a)	Careless driving.	3
44	3745	Leaving scene of accident	
45		involving property damage	
46		only.	4
47	* * *		
48	§ 3316.	Prohibiting text-based communications.	
49	(a)	Prohibition.--[No driver shall operate a motor vehicle	
50		on a highway or trafficway in this Commonwealth while using an	
51		interactive wireless communications device to send, read or	

1 write a text-based communication while the vehicle is in motion.
2 A person does not send, read or write a text-based communication
3 when the person reads, selects or enters a telephone number or
4 name in an interactive wireless communications device for the
5 purpose of activating or deactivating a voice communication or a
6 telephone call.

7 (b) (Reserved).

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

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

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

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

24 Except as provided in subsection (c), a driver may not engage in
25 texting while driving a motor vehicle.

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

29 (c) Emergency use exception.--Texting while driving shall be
30 permissible by a driver of a motor vehicle if necessary to
31 communicate with a law enforcement official or other emergency
32 services to prevent injury to persons or property.

33 (d) Penalties.--Except as provided for in subsection (e), a
34 person who violates this section commits a summary offense. The
35 following shall apply:

36 (1) For a first conviction with no conviction of and no
37 plea of no contest accepted to a charge of violating this
38 section within the previous 60-month period, as measured from
39 the dates any previous convictions were obtained or pleas of
40 no contest were accepted to the date the current conviction
41 is obtained or plea of no contest is accepted, a fine of not
42 more than \$150 shall be imposed.

43 (2) For a second conviction within a 60-month period of
44 time, as measured from the dates any previous convictions
45 were obtained or pleas of no contest were accepted to the
46 date the current conviction is obtained or plea of no contest
47 is accepted, a fine of not more than \$250.

48 (3) For a third or subsequent conviction within a 60-
49 month period of time, as measured from the dates any previous
50 convictions were obtained or pleas of no contest were
51 accepted to the date the current conviction is obtained or

plea of no contest is accepted, a fine of not more than \$500, two points and suspension of the offender's driver's license for a period of 60 days shall be imposed.

(e) Warning period.--For the first 12 months after the effective date of this subsection, a driver who violates subsection (a) may only be issued a written warning for a violation.

(f) Law enforcement education.--The department, in consultation with the Pennsylvania State Police, shall develop and electronically distribute education materials for law enforcement on how to effectively detect distracted drivers, regardless of age, sex, race or ethnicity, who violate this section.

(g) Prohibition on similar citations.--A person may not be charged with a violation of section 3316.1 (relating to prohibiting use of interactive mobile device) concurrently with a violation of subsection (a) for an offense committed at the same time and place.

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

"Driving." Operating a motor vehicle on a highway, including while the motor vehicle is temporarily stationary because of traffic, a traffic control device or other momentary delay. The term does not include operating a motor vehicle 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." The term 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 or images.

"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, emailing, 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 fleet management systems, dispatching devices, citizens band radios and music players, for a purpose that is not prohibited by this section.

1 Amend Bill, page 5, lines 22 and 23, by striking out

2 "wireless communications devices" and inserting

3 mobile device

4 Amend Bill, page 5, lines 24 through 30; page 6, lines 1

5 through 7; by striking out all of said lines on said pages and

6 inserting

7 (a) Motor vehicle.--Except as provided under subsection (c),
8 a driver may not use an interactive mobile device while driving
9 a motor vehicle.

10 (b) Employer.--Except as provided under subsection (c), an
11 employer may not permit or require a driver of the employer to
12 use an interactive mobile device while driving a motor vehicle.

13 (c) Emergency use exception.--Using an interactive mobile
14 device shall be permissible by a driver of a motor vehicle if
15 necessary to communicate with a law enforcement official or
16 other emergency services to prevent injury to persons or
17 property.

18 (d) Penalties.--Except as provided for in subsection (g), a
19 person who violates this section commits a summary offense. The
20 following shall apply:

21 Amend Bill, page 6, line 8, by striking out all of said line
22 and inserting

23 (1) For a first conviction with no conviction of and

24 Amend Bill, page 6, line 10, by striking out "24-month" and
25 inserting

26 60-month

27 Amend Bill, page 6, line 16, by striking out all of said line
28 and inserting

29 (2) For a second conviction within a 60-month

30 Amend Bill, page 6, line 21, by striking out "and two points
31 shall be imposed"

32 Amend Bill, page 6, lines 22 and 23, by striking out all of
33 line 22 and "24-month" in line 23 and inserting

34 (3) For a third or subsequent conviction within a 60-
35 month

36 Amend Bill, page 6, line 27, by striking out "three" and

1 inserting
2 two
3 Amend Bill, page 6, lines 27 and 28, by striking out "at
4 the court's discretion,"
5 Amend Bill, page 6, line 30; page 7, lines 1 through 30; page
6 8, lines 1 through 5; by striking out all of line 30 on page 6,
7 all of lines 1 through 30 on page 7, all of lines 1 through 4
8 and "(d)" in line 5 on page 8 and inserting
9 (e)
10 Amend Bill, page 8, lines 8 and 9, by striking out
11 "interactive wireless communications device" and inserting
12 interactive mobile device
13 Amend Bill, page 8, line 10, by striking out "(e)" and
14 inserting
15 (f)
16 Amend Bill, page 8, line 16, by striking out "(f)" and
17 inserting
18 (g)
19 Amend Bill, page 8, line 16, by striking out "six" and
20 inserting
21 12
22 Amend Bill, page 8, line 20, by striking out "(g)" and
23 inserting
24 (h)
25 Amend Bill, page 8, line 20, by striking out "No person may"
26 and inserting
27 A person may not
28 Amend Bill, page 8, lines 25 through 30; page 9, lines 1
29 through 20; by striking out all of said lines on said pages and
30 inserting

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

4 "Driving." Operating a motor vehicle on a highway, including
5 while the motor vehicle is temporarily stationary because of
6 traffic, a traffic control device or other momentary delay. The
7 term does not include operating a motor vehicle if the driver
8 moved the vehicle to the side of or off of a highway and halted
9 in a location where the vehicle can safely remain stationary.

10 "Use an interactive mobile device." As follows:

11 (1) Using at least one hand to hold, or supporting with
12 another part of the body, an interactive mobile device to
13 conduct a voice communication.

14 (2) Dialing or answering an interactive mobile device by
15 pressing more than a single button.

16 (3) Reaching for an interactive mobile device in a
17 manner that requires a driver to maneuver so that the driver
18 is no longer in a seated driving position, restrained by a
19 seat belt that is installed in accordance with 49 CFR 393.93
20 (relating to seats, seat belt assemblies, and seat belt
21 assembly anchorages) and adjusted in accordance with the
22 vehicle manufacturer's instructions.

23 Amend Bill, page 10, lines 3 and 4, by striking out "wireless
24 communications devices" and inserting

25 mobile device

26 Amend Bill, page 10, lines 26 and 27, by striking out
27 "wireless communications devices" and inserting

28 mobile device

29 Amend Bill, page 11, line 9, by striking out "180 days" and
30 inserting

31 12 months