

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2049 Session of  
2003

INTRODUCED BY DONATUCCI, BIANCUCCI, CRUZ, DALEY, FABRIZIO,  
FREEMAN, KELLER, RIEGER, THOMAS, TIGUE, WASHINGTON, WATSON,  
WEBER AND YOUNGBLOOD, SEPTEMBER 30, 2003

REFERRED TO COMMITTEE ON TRANSPORTATION, SEPTEMBER 30, 2003

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for the duty of driver in  
3 construction and maintenance areas or on highway safety  
4 corridors.

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

7 Section 1. Section 3326 of Title 75 of the Pennsylvania  
8 Consolidated Statutes is amended by adding a subsection to read:

9 § 3326. Duty of driver in construction and maintenance areas or  
10 on highway safety corridors.

11 \* \* \*

12 (b.1) Use of mobile telephone in work zone.--

13 (1) Except as provided in paragraph (2), no driver shall  
14 operate a motor vehicle while using a handheld mobile  
15 telephone.

16 (2) This section shall not apply to a driver who uses a  
17 handheld mobile telephone for the purpose of reporting an  
18 accident or emergency.

1       (3) The provisions of this section shall not be  
2       construed as authorizing the seizure or forfeiture of a  
3       handheld mobile telephone unless otherwise provided by law.

4       (4) A person who violates this section commits a summary  
5       offense and shall, upon conviction, be sentenced to pay a  
6       fine of \$100. A conviction under this subsection shall not  
7       constitute a moving violation unless the offense involves an  
8       accident.

9       (5) As used in this subsection, the following words and  
10       phrases shall have the meanings given to them in this  
11       paragraph:

12       "Handheld mobile telephone." A mobile telephone other  
13       than a hands-free mobile telephone with which a user engages  
14       in a call using at least one hand.

15       "Hands-free mobile telephone." A mobile telephone that  
16       has an internal feature or function, or that is equipped with  
17       an attachment or addition, whether or not permanently part of  
18       the mobile telephone, by which a user engages in a call  
19       without the use of either hand, whether or not the use of  
20       either hand is necessary to activate, deactivate or initiate  
21       a function of the telephone.

22       \* \* \*

23       Section 2. This act shall take effect in 60 days.