

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2674 Session of
2008

INTRODUCED BY MARKOSEK, GEIST, BEAR, BRENNAN, COSTA, DONATUCCI,
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JUNE 26, 2008

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 16, 2008

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, defining "interactive wireless communications
3 device"; further providing for junior driver's license, for
4 learners' permits and for suspension of operating privilege;
5 prohibiting interactive wireless communications devices; and
6 further providing for accident report forms, for department
7 to compile, tabulate and analyze accident reports, for
8 television equipment and for restraint systems.

9 RESOLVED, THAT THE PART OF THIS ACT THAT LIMITS THE NUMBER OF <—
10 PASSENGERS A JUNIOR DRIVER MAY TRANSPORT IN A MOTOR VEHICLE AT
11 ONE TIME MAY BE REFERRED TO AS LACEY'S LAW IN HONOR OF LACEY
12 GALLAGHER.

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

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

18 Subject to additional definitions contained in subsequent

1 provisions of this title which are applicable to specific
2 provisions of this title, the following words and phrases when
3 used in this title shall have, unless the context clearly
4 indicates otherwise, the meanings given to them in this section:

5 * * *

6 "Interactive wireless communications device." Any wireless
7 electronic communications device that provides for voice or data
8 communication between two or more parties, including, but not
9 limited to, a mobile or cellular telephone, a text messaging
10 device, a personal digital assistant that sends or receives
11 messages or a laptop computer.

12 * * *

13 Section 2. Sections 1503(c), 1505(e) and 1538(e) of Title 75
14 are amended to read:

15 § 1503. Persons ineligible for licensing; license issuance to
16 minors; junior driver's license.

17 * * *

18 (c) Junior driver's license.--The department may issue a
19 junior driver's license to a person 16 or 17 years of age under
20 rules and regulations adopted by the department and subject to
21 the provisions of this section. A junior driver's license shall
22 automatically become a regular driver's license when the junior
23 driver attains 18 years of age.

24 (1) Except as provided in paragraph (2), no licensed
25 junior driver shall drive a vehicle upon a public highway
26 between 11 p.m. and 5 a.m. unless accompanied by a spouse 18
27 years of age or older, a parent or a person in loco parentis.

28 (2) A licensed junior driver conforming to the
29 requirements of section 1507 (relating to application for
30 driver's license or learner's permit by minor) may drive a

1 vehicle upon a public highway between 11 p.m. and 5 a.m.
2 between the junior driver's home and activity or employment
3 or in the course of the junior driver's activity or
4 employment if the junior driver is a member of a volunteer
5 fire company authorized by the fire chief to engage in
6 fighting fires, is engaged in public or charitable service or
7 is employed and is carrying an affidavit or certificate of
8 authorization signed by the junior driver's fire chief,
9 supervisor or employer indicating the probable schedule of
10 the junior driver's activities. Upon termination of the
11 junior driver's activity or employment, the junior driver
12 shall surrender the affidavit or certificate to the fire
13 chief, supervisor or employer. If the junior driver shall
14 fail to surrender the affidavit or certificate, the employer,
15 fire chief or supervisor shall immediately notify the
16 Pennsylvania State Police.

17 (2.1) Except as set forth in paragraph (2.2), a junior
18 driver may not drive a vehicle with more than one passenger
19 under 18 years of age.

20 (2.2) With parental or in loco parentis approval, a
21 junior driver may drive a vehicle with passengers who are
22 siblings or relatives who live in the same dwelling as the
23 junior driver.

24 (3) In addition to the other provisions of this title
25 relating to the suspension or revocation of operating
26 privileges, in the event that a licensed junior driver is
27 involved in an accident reportable under section 3746(a) for
28 which the junior driver is partially or fully responsible in
29 the opinion of the department or is convicted of any
30 violation of this title, the department may suspend the

operating privileges of the junior driver until the junior driver attains 18 years of age or for a period of time not exceeding 90 days.

(4) Any junior driver or other person violating any provision of this subsection is guilty of a summary offense.

§ 1505. Learners' permits.

* * *

(e) Authorization to test for driver's license and junior driver's license.--A person with a learner's permit is authorized to take the examination for a regular or junior driver's license for the class of vehicle for which a permit is held. Before a person under the age of 18 years may take the examination for a junior driver's license, the minor must:

(1) Have held a learner's permit for that class of vehicle for a period of six months.

(2) Present to the department a certification form signed by the father, mother, guardian, person in loco parentis or spouse of a married minor stating that the minor applicant has completed [50] 65 hours of practical driving experience, including no less than ten hours of nighttime driving and five hours of inclement weather driving, accompanied as required under subsection (b). Submission of a certification shall not subject the parent, guardian, person in loco parentis or spouse of a married minor to any liability based upon the certification.

(3) Have the certification form completed when the minor is ready for the licensing examination. The certification form shall be developed by the department and will be provided by the department when the original application for a learner's permit is processed. The department will make

1 this form readily available through the mail or electronic
2 means.

3 * * *

4 § 1538. School, examination or hearing on accumulation of
5 points or excessive speeding.

6 * * *

7 (e) Additional suspension of operating privilege.--

8 (1) In addition to any other provisions of law relating
9 to the suspension or revocation of operating privileges, a
10 person's operating privileges shall be suspended under any of
11 the following circumstances:

12 (i) Prior to reaching age 18, the person violates
13 section 3362 (relating to maximum speed limits) by
14 traveling 26 miles per hour or more over the posted speed
15 limit and the violation results in a conviction, guilty
16 plea or plea of no contest before or after the person
17 reaches age 18.

18 (ii) The person accumulates six or more points under
19 the provisions of section 1535 (relating to schedule of
20 convictions and points) and the violations resulting in
21 points accumulation were committed before the person
22 reached age 18.

23 (2) The first suspension under paragraph (1) shall be
24 for a period of 90 days with every subsequent suspension
25 under paragraph (1) to be for a period of 120 days.
26 Suspensions under paragraph (1) shall be imposed
27 consecutively to each other and to any other suspension. A
28 suspension under paragraph (1) shall be considered a
29 subsequent suspension even if it is imposed contemporaneously
30 with a first suspension imposed under paragraph (1). A

suspension under this paragraph shall be in lieu of a
suspension under subsection (d)(1).

Section 3. Title 75 is amended by adding a section to read:

§ 3316. Prohibiting interactive wireless communications
devices.

(a) Drivers subject to restriction.--No driver with a
learners' permit or junior driver's license shall drive a motor
vehicle on a highway or trafficway in this Commonwealth while
using an interactive wireless communications device.

(b) Exceptions.--This section shall not apply to persons who
use an interactive wireless communications device to contact a
511 service or 911 system for the purpose of reporting an
accident or an emergency or obtaining directions.

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

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

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

"511" or "511 service." Three-digit telecommunications
dialing to access an intelligent transportation system traveler
information service provided in this Commonwealth in accordance
with the Federal Communications Commission and the United States
Department of Transportation.

"911." The number used by a public agency located in whole
or in part within this Commonwealth authorized by law to provide

1 emergency telephone service to access firefighting, law
2 enforcement, ambulance, emergency medical or other emergency
3 services.

4 Section 4. Section 3752(a) of Title 75 is amended to read:
5 § 3752. Accident report forms.

6 (a) Form and content.--The department shall prepare and upon
7 request supply to all law enforcement agencies and other
8 appropriate agencies or individuals, forms for written accident
9 reports as required in this subchapter suitable with respect to
10 the persons required to make the reports and the purposes to be
11 served. The written report forms shall call for sufficiently
12 detailed information to disclose with reference to a vehicle
13 accident the cause, conditions then existing and the persons and
14 vehicles involved[.], including whether the driver of the
15 vehicle was using an interactive wireless communications device
16 when the accident occurred, and such other information as the
17 department may require. Reports for use by the drivers and
18 owners shall also provide for information relating to financial
19 responsibility.

20 * * *

21 Section 5. Section 3753 of Title 75 is amended by adding a
22 subsection to read:

23 § 3753. Department to compile, tabulate and analyze accident
24 reports.

25 * * *

26 (b.1) Report on interactive wireless communications
27 devices.--The department shall annually compile and make
28 available to the public information submitted on an accident
29 report concerning interactive wireless communications devices in
30 motor vehicles involved in traffic accidents. The report shall

1 note whether the driver of the motor vehicle was using an
2 interactive wireless communications device when the accident
3 occurred. The data shall be included in a report submitted to
4 the Transportation Committee of the Senate and the
5 Transportation Committee of the House of Representatives.

6 * * *

7 Section 6. Sections ~~4527(a)~~ 4527 and 4581(a) and (b) of <—
8 Title 75 are amended to read:

9 § 4527. Television equipment.

10 (a) General rule.--No motor vehicle operated on a highway
11 shall be equipped with [television-type receiving] video
12 receiving equipment, including a receiver, a video monitor or a
13 television or video screen capable of displaying a television
14 broadcast or video signal that produces entertainment or
15 business applications or similar equipment forward of the back
16 of the driver's seat or otherwise visible to the driver.

17 * * *

18 (B) EXCEPTION.--THIS SECTION SHALL NOT APPLY TO THE <—
19 FOLLOWING:

20 (1) TELEVISION-TYPE RECEIVING EQUIPMENT IN A VEHICLE
21 USED EXCLUSIVELY FOR SAFETY OR LAW ENFORCEMENT PURPOSES AS
22 APPROVED BY THE PENNSYLVANIA STATE POLICE.

23 (2) ELECTRONIC DISPLAYS USED IN CONJUNCTION WITH IN-
24 VEHICLE NAVIGATION SYSTEMS[.], RELATED TRAFFIC, ROAD AND
25 WEATHER INFORMATION.

26 (3) ELECTRONIC DISPLAYS THAT ARE PROVIDING VEHICLE
27 INFORMATION RELATED TO THE DRIVING TASK OR TO ENHANCE OR
28 SUPPLEMENT THE DRIVER'S VIEW FORWARD, BEHIND OR TO THE SIDES
29 OF THE MOTOR VEHICLE OR PERMIT THE DRIVER TO MONITOR VEHICLE
30 OCCUPANTS BEHIND THE DRIVER.

1 § 4581. Restraint systems.

2 (a) Occupant protection.--

3 (1) Any person who is operating a passenger car, Class I
4 truck, Class II truck, classic motor vehicle, antique motor
5 vehicle or motor home and who transports a child under four
6 years of age anywhere in the motor vehicle, including the
7 cargo area, shall fasten such child securely in a child
8 passenger restraint system, as defined in subsection (d).
9 This subsection shall apply to all persons while they are
10 operators of motor vehicles where a seating position is
11 available which is equipped with a seat safety belt or other
12 means to secure the systems or where the seating position was
13 originally equipped with seat safety belts.

14 (1.1) Any person who is operating a passenger car, Class
15 I truck, Class II truck, classic motor vehicle, antique motor
16 vehicle or motor home and who transports a child four years
17 of age or older but under eight years of age anywhere in the
18 motor vehicle, including the cargo area, shall fasten such
19 child securely in a fastened safety seat belt system and in
20 an appropriately fitting child booster seat, as defined in
21 subsection (d). This paragraph shall apply to all persons
22 while they are operators of motor vehicles where a seating
23 position is available which is equipped with a seat safety
24 belt or other means to secure the systems or where the
25 seating position was originally equipped with seat safety
26 belts. [A conviction under this paragraph by State or local
27 law enforcement agencies shall occur only as a secondary
28 action when a driver of a motor vehicle has been convicted of
29 violating any other provision of this title.]

30 (2) [Except for children under eight years of age and

except as provided in paragraphs (1) and (1.1), each]

(i) The driver [and front seat occupant] of a passenger car, Class I truck, Class II truck or motor home operated in this Commonwealth shall [wear] secure or cause to be secured in a properly adjusted and fastened safety seat belt system the driver and every vehicle occupant between eight years of age and 18 years of age.

[A conviction under this paragraph by State or local law enforcement agencies shall occur only as a secondary action when a driver of a motor vehicle has been convicted of any other provision of this title. The driver of a passenger automobile shall secure or cause to be secured in a properly adjusted and fastened safety seat belt system any occupant who is eight years of age or older and less than 18 years of age.]

(ii) Except for children under 18 years of age and except as provided in paragraphs (1) and (1.1) and subparagraph (i), each driver and front seat occupant of a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home operated in this Commonwealth shall wear a properly adjusted and fastened safety seat belt system.

(iii) This paragraph shall not apply to:

[(i)] (A) A driver or front seat occupant of any vehicle manufactured before July 1, 1966.

[(ii)] (B) A driver or front seat occupant who possesses a written verification from a physician that he is unable to wear a safety seat belt system for physical or medical reasons, or from a psychiatrist or other specialist qualified to make an

1 informed judgment that he is unable to wear a safety
2 seat belt system for psychological reasons.

3 [(iii)] (C) A rural letter carrier while
4 operating any motor vehicle during the performance of
5 his duties as a United States postal service rural
6 letter carrier only between the first and last
7 delivery points.

8 [(iv)] (D) A driver who makes frequent stops and
9 is traveling less than 15 miles per hour for the
10 purpose of delivering goods or services while in the
11 performance of his duties and only between the first
12 and last delivery points.

13 A violation of this paragraph shall not be subject to the
14 assessment of any points under section 1535 (relating to
15 schedule of convictions and points).

16 (3) A driver who is under 18 years of age may not
17 operate a motor vehicle in which the number of passengers
18 exceeds the number of available safety seat belts in the
19 vehicle.

20 (b) Offense.--Anyone who fails to comply with the provisions
21 of subsection (a)(1) or (1.1) shall be guilty of a summary
22 offense with a maximum fine of \$100. The court imposing and
23 collecting any such fines shall transfer the fines thus
24 collected to the State Treasurer for deposit in the Child
25 Passenger Restraint Fund, pursuant to section 4582 (relating to
26 Child Passenger Restraint Fund). Anyone who violates subsection
27 (a)(2) or (3) commits a summary offense and shall, upon
28 conviction, be sentenced to pay a fine of \$10. No person shall
29 be convicted of a violation of subsection [(a)(2)] (a)(2) or (3)
30 unless the person is also convicted of another violation of this

1 title which occurred at the same time. No costs as described in
2 42 Pa.C.S. § 1725.1 (relating to costs) shall be imposed for
3 summary conviction of subsection (a)(2) or (3). Conviction under
4 this subsection shall not constitute a moving violation.

5 * * *

6 Section 7. This act shall take effect in 60 days.