

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 146 Session of
2011

INTRODUCED BY KORTZ, BARRAR, DeLUCA, FABRIZIO, HALUSKA, HESS,
KULA, M. O'BRIEN, READSHAW, K. SMITH, SWANGER, VULAKOVICH,
WAGNER, YOUNGBLOOD, RAVENSTAHL, SANTARSIERO AND QUINN,
JANUARY 21, 2011

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 22, 2011

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in rules of the road in general, prohibiting
3 interactive wireless communications devices ~~in work zones~~ AND ←
4 PROHIBITING USE OF INTERACTIVE WIRELESS COMMUNICATIONS
5 DEVICES BY JUNIOR DRIVERS; FURTHER PROVIDING FOR DUTY OF
6 DRIVER IN CONSTRUCTION AND MAINTENANCE AREAS OR ON HIGHWAY
7 SAFETY CORRIDORS, FOR DUTY OF DRIVER IN EMERGENCY RESPONSE
8 AREAS AND FOR THE OFFENSE OF CARELESS DRIVING; ESTABLISHING
9 THE DRIVER DISTRACTION AWARENESS FUND; AND PROVIDING FOR
10 ADDITIONAL DUTIES OF THE DEPARTMENT OF TRANSPORTATION.

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

13 Section 1. Title 75 of the Pennsylvania Consolidated
14 Statutes is amended by adding ~~a section~~ SECTIONS to read: ←

15 § 3316. Prohibiting interactive wireless communications devices
16 in work zones. ←

17 (a) General rule.--No SUBJECT TO THE PROVISIONS OF SECTION ←
18 3316.1 (RELATING TO PROHIBITING USE OF INTERACTIVE WIRELESS
19 COMMUNICATIONS DEVICES BY JUNIOR DRIVERS), NO driver shall
20 operate a motor vehicle on a highway or trafficway within a work ←

~~zone~~ while using an interactive wireless communications device.

(b) Exceptions.--This section shall not apply to:

(1) Law enforcement officers and operators of emergency vehicles when on duty and acting in their official capacities.

(2) Persons who are reporting an accident or emergency.

(3) Drivers who are using a hands-free interactive wireless communications device.

(4) PERSONS WHO USE AN INTERACTIVE WIRELESS COMMUNICATIONS DEVICE WHEN THE VEHICLE IS STOPPED AT AN INTERSECTION OR DUE TO A TRAFFIC OBSTRUCTION AND THE TRANSMISSION IS IN NEUTRAL OR PARK.

(c) Posting.--The department shall post a work zone with signs designating the restriction.

(d) Penalty.--

(1) A person who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of ~~\$100~~ \$50.

(2) A conviction under this section shall not constitute a moving violation unless:

~~(i) The offense involves an accident.~~

A MOVING VIOLATION UNLESS THE OFFENSE INVOLVES AN ACCIDENT.

~~(ii) The offense is a second or subsequent violation in less than one calendar year.~~

(E) SECONDARY ACTION.--A CONVICTION UNDER THIS SECTION 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.

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

1 subsection:

2 "Interactive wireless communications device." A wireless
3 electronic communications device that provides for voice or data
4 communication between two or more parties, including, but not
5 limited to, a mobile or cellular telephone, a text messaging
6 device, a personal digital assistant that sends or receives
7 messages or a laptop computer. The term does not include a
8 citizens band radio, a two-way radio communication device or a
9 device that is permanently affixed during operation to a bus or
10 school bus.

11 "Hands-free interactive wireless communications device." An
12 interactive wireless communications device that has an internal
13 feature or is equipped with an attachment or addition, whether
14 permanently part of the interactive wireless communications
15 device, by which a user engages in a voice or data communication
16 without the use of either hand and regardless of whether either
17 hand is used to activate, deactivate or initiate a function of
18 the interactive wireless communications device.

19 § 3316.1. PROHIBITING USE OF INTERACTIVE WIRELESS
20 COMMUNICATIONS DEVICES BY JUNIOR DRIVERS.

21 (A) GENERAL RULE.--NOTWITHSTANDING THE PROVISIONS OF SECTION
22 3316 (RELATING TO PROHIBITING INTERACTIVE WIRELESS
23 COMMUNICATIONS DEVICES), NO DRIVER WITH A LEARNER'S PERMIT OR
24 JUNIOR DRIVER'S LICENSE SHALL OPERATE A MOTOR VEHICLE ON A
25 HIGHWAY OR TRAFFICWAY IN THIS COMMONWEALTH WHILE USING AN
26 INTERACTIVE WIRELESS COMMUNICATIONS DEVICE.

27 (B) EXCEPTIONS.--THIS SECTION SHALL NOT APPLY TO:

28 (1) PERSONS WHO ARE REPORTING AN ACCIDENT OR EMERGENCY.

29 (2) PERSONS WHO USE AN INTERACTIVE WIRELESS

30 COMMUNICATIONS DEVICE WHEN THE VEHICLE IS STOPPED AT AN



1 INTERSECTION OR DUE TO A TRAFFIC OBSTRUCTION AND THE
2 TRANSMISSION IS IN NEUTRAL OR PARK.

3 (C) PENALTY.--

4 (1) A PERSON WHO VIOLATES SUBSECTION (A) COMMITS A
5 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO
6 PAY A FINE OF \$50.

7 (2) A CONVICTION UNDER THIS SECTION SHALL NOT CONSTITUTE
8 A MOVING VIOLATION UNLESS THE OFFENSE INVOLVES AN ACCIDENT.

9 (D) DEFINITIONS.--AS USED IN THIS SECTION, THE TERM
10 "INTERACTIVE WIRELESS COMMUNICATIONS DEVICE" MEANS A WIRELESS
11 ELECTRONIC COMMUNICATIONS DEVICE THAT PROVIDES FOR VOICE OR DATA
12 COMMUNICATION BETWEEN TWO OR MORE PARTIES, INCLUDING, BUT NOT
13 LIMITED TO, A MOBILE OR CELLULAR TELEPHONE, A TEXT MESSAGING
14 DEVICE, A PERSONAL DIGITAL ASSISTANT THAT SENDS OR RECEIVES
15 MESSAGES OR A LAPTOP COMPUTER. THE TERM DOES NOT INCLUDE A
16 CITIZENS BAND RADIO, A TWO-WAY RADIO COMMUNICATION DEVICE OR A
17 DEVICE THAT IS PERMANENTLY AFFIXED DURING OPERATION TO A BUS OR
18 SCHOOL BUS.

19 SECTION 2. SECTIONS 3326(C), 3327(E) AND 3714 OF TITLE 75
20 ARE AMENDED TO READ:

21 § 3326. DUTY OF DRIVER IN CONSTRUCTION AND MAINTENANCE AREAS OR
22 ON HIGHWAY SAFETY CORRIDORS.

23 * * *

24 (C) FINES TO BE DOUBLED.--FOR ANY OF THE FOLLOWING
25 VIOLATIONS, WHEN COMMITTED IN AN ACTIVE WORK ZONE MANNED BY
26 WORKERS ACTING IN THEIR OFFICIAL CAPACITY OR ON A HIGHWAY SAFETY
27 CORRIDOR DESIGNATED UNDER SECTION 6105.1 (RELATING TO
28 DESIGNATION OF HIGHWAY SAFETY CORRIDORS), THE FINE SHALL BE
29 DOUBLE THE USUAL AMOUNT:

30 SECTION 3102 (RELATING TO OBEDIENCE TO AUTHORIZED

PERSONS DIRECTING TRAFFIC) .

SECTION 3111 (RELATING TO OBEDIENCE TO TRAFFIC-
CONTROL DEVICES) .

SECTION 3112 (RELATING TO TRAFFIC-CONTROL SIGNALS) .

SECTION 3114 (RELATING TO FLASHING SIGNALS) .

SECTION 3302 (RELATING TO MEETING VEHICLE PROCEEDING
IN OPPOSITE DIRECTION) .

SECTION 3303 (RELATING TO OVERTAKING VEHICLE ON THE
LEFT) .

SECTION 3304 (RELATING TO OVERTAKING VEHICLE ON THE
RIGHT) .

SECTION 3305 (RELATING TO LIMITATIONS ON OVERTAKING
ON THE LEFT) .

SECTION 3306 (RELATING TO LIMITATIONS ON DRIVING ON
LEFT SIDE OF ROADWAY) .

SECTION 3307 (RELATING TO NO-PASSING ZONES) .

SECTION 3309 (RELATING TO DRIVING ON ROADWAYS LANED
FOR TRAFFIC) .

SECTION 3310 (RELATING TO FOLLOWING TOO CLOSELY) .

SECTION 3316 (RELATING TO PROHIBITING INTERACTIVE
WIRELESS COMMUNICATIONS DEVICES) .

SECTION 3316.1 (RELATING TO PROHIBITING USE OF
INTERACTIVE WIRELESS COMMUNICATIONS DEVICES BY JUNIOR
DRIVERS) .

SECTION 3323 (RELATING TO STOP SIGNS AND YIELD
SIGNS) .

SECTION 3326 (RELATING TO DUTY OF DRIVER IN
CONSTRUCTION AND MAINTENANCE AREAS OR ON HIGHWAY SAFETY
CORRIDORS) .

SECTION 3361 (RELATING TO DRIVING VEHICLE AT SAFE

1 SPEED) .
2 SECTION 3362 (RELATING TO MAXIMUM SPEED LIMITS) .
3 SECTION 3702 (RELATING TO LIMITATIONS ON BACKING) .
4 SECTION 3714 (RELATING TO CARELESS DRIVING) .
5 SECTION 3736 (RELATING TO RECKLESS DRIVING) .
6 SECTION 3802 (RELATING TO DRIVING UNDER INFLUENCE OF
7 ALCOHOL OR CONTROLLED SUBSTANCE) .

8 * * *

9 § 3327. DUTY OF DRIVER IN EMERGENCY RESPONSE AREAS.

10 * * *

11 (E) FINES TO BE DOUBLED.--IN ADDITION TO ANY PENALTY AS
12 PROVIDED IN SUBSECTION (B), THE FINE FOR ANY OF THE FOLLOWING
13 VIOLATIONS WHEN COMMITTED IN AN EMERGENCY RESPONSE AREA MANNED
14 BY EMERGENCY SERVICE RESPONDERS SHALL BE DOUBLE THE USUAL
15 AMOUNT:

16 SECTION 3102 (RELATING TO OBEDIENCE TO AUTHORIZED PERSONS
17 DIRECTING TRAFFIC) .

18 SECTION 3111 (RELATING TO OBEDIENCE TO TRAFFIC-CONTROL
19 DEVICES) .

20 SECTION 3114 (RELATING TO FLASHING SIGNALS) .

21 SECTION 3302 (RELATING TO MEETING VEHICLE PROCEEDING IN
22 OPPOSITE DIRECTION) .

23 SECTION 3303 (RELATING TO OVERTAKING VEHICLE ON THE
24 LEFT) .

25 SECTION 3304 (RELATING TO OVERTAKING VEHICLE ON THE
26 RIGHT) .

27 SECTION 3305 (RELATING TO LIMITATIONS ON OVERTAKING ON
28 THE LEFT) .

29 SECTION 3306 (RELATING TO LIMITATIONS ON DRIVING ON LEFT
30 SIDE OF ROADWAY) .

SECTION 3307 (RELATING TO NO-PASSING ZONES) .

SECTION 3310 (RELATING TO FOLLOWING TOO CLOSELY) .

SECTION 3312 (RELATING TO LIMITED ACCESS HIGHWAY
ENTRANCES AND EXITS) .

SECTION 3316 (RELATING TO PROHIBITING INTERACTIVE
WIRELESS COMMUNICATIONS DEVICES) .

SECTION 3316.1 (RELATING TO PROHIBITING USE OF
INTERACTIVE WIRELESS COMMUNICATIONS DEVICES BY JUNIOR
DRIVERS) .

SECTION 3323 (RELATING TO STOP SIGNS AND YIELD SIGNS) .

SECTION 3325 (RELATING TO DUTY OF DRIVER ON APPROACH OF
EMERGENCY VEHICLE) .

SECTION 3361 (RELATING TO DRIVING VEHICLE AT SAFE SPEED) .

SECTION 3707 (RELATING TO DRIVING OR STOPPING CLOSE TO
FIRE APPARATUS) .

SECTION 3710 (RELATING TO STOPPING AT INTERSECTION OR
CROSSING TO PREVENT OBSTRUCTION) .

SECTION 3714 (RELATING TO CARELESS DRIVING) .

SECTION 3736 (RELATING TO RECKLESS DRIVING) .

SECTION 3802 (RELATING TO DRIVING UNDER INFLUENCE OF
ALCOHOL OR CONTROLLED SUBSTANCE) .

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§ 3714. CARELESS DRIVING.

(A) GENERAL RULE.--ANY PERSON WHO DRIVES A VEHICLE IN
CARELESS DISREGARD FOR THE SAFETY OF PERSONS OR PROPERTY IS
GUILTY OF CARELESS DRIVING, A SUMMARY OFFENSE.

(B) UNINTENTIONAL DEATH.--IF THE PERSON WHO VIOLATES THIS
SECTION UNINTENTIONALLY CAUSES THE DEATH OF ANOTHER PERSON AS A
RESULT OF THE VIOLATION, THE PERSON SHALL, UPON CONVICTION, BE
SENTENCED TO PAY A FINE OF \$500.

1 (C) SERIOUS BODILY INJURY.--IF THE PERSON WHO VIOLATES THIS
2 SECTION UNINTENTIONALLY CAUSES THE SERIOUS BODILY INJURY OF
3 ANOTHER PERSON AS A RESULT OF THE VIOLATION, THE PERSON SHALL,
4 UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$250.

5 (C.1) ADDITIONAL FINE FOR DISTRACTED DRIVER.--

6 (1) ANY PERSON WHO VIOLATES THIS SECTION AND AT THE TIME
7 OF THE VIOLATION IS DISTRACTED BY THE USE OF ANY OF THE
8 FOLLOWING, INCLUDING, BUT NOT LIMITED TO:

9 (I) AN INTERACTIVE WIRELESS COMMUNICATIONS DEVICE;

10 (II) AN ELECTRONIC, ELECTRICAL OR MECHANICAL DEVICE;

11 (III) A PERSONAL GROOMING DEVICE;

12 (IV) FOOD;

13 (V) DRINK; OR

14 (VI) ANY PRINTED MATERIAL,

15 SHALL IN ADDITION TO ANY OTHER PENALTY IMPOSED BE SENTENCED
16 TO PAY A FINE OF \$50.

17 (2) THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO
18 ANY PERSON UNLESS THE PERSON IS CONVICTED UNDER SUBSECTION
19 (A) FOR A VIOLATION WHICH OCCURRED AT THE SAME TIME. NO COSTS
20 AS DESCRIBED UNDER 42 PA.C.S. § 1725.1 (RELATING TO COSTS)
21 SHALL BE IMPOSED ON ACCOUNT OF ANY INCREASED FINE UNDER THIS
22 SUBSECTION. APPLICATION OF THIS SUBSECTION SHALL NOT
23 CONSTITUTE A MOVING VIOLATION.

24 (3) FINES COLLECTED UNDER THIS SUBSECTION SHALL BE PAID
25 TO THE COMMONWEALTH FOR DEPOSIT INTO THE DRIVER DISTRACTION
26 AWARENESS FUND.

27 (C.2) REPORT.--THE DEPARTMENT SHALL SUBMIT TO THE GENERAL
28 ASSEMBLY A REPORT ON THE EFFECTS OF SUBSECTION (C.1) BY AUGUST
29 31, 2012.

30 (D) 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:

"DISTRACTED." HAVING A PERSON'S ATTENTION DIVERTED FROM
OPERATING A VEHICLE BY ANY TASK OR ITEM, INCLUDING, BUT NOT
LIMITED TO, AN ELECTRONIC, ELECTRICAL, MECHANICAL OR PERSONAL
GROOMING DEVICE, FOOD, DRINK, BOOK OR PRINTED MATERIAL.

"INTERACTIVE WIRELESS COMMUNICATIONS DEVICE." A WIRELESS
TELEPHONE, PERSONAL DIGITAL ASSISTANT, SMART PHONE, PORTABLE OR
MOBILE COMPUTER OR SIMILAR DEVICE WHICH CAN BE USED FOR VOICE
COMMUNICATION, TEXTING, E-MAILING, BROWSING THE INTERNET OR
INSTANT MESSAGING. THE TERM DOES NOT INCLUDE ANY OF THE
FOLLOWING:

(1) A DEVICE BEING USED EXCLUSIVELY AS A GLOBAL
POSITIONING OR NAVIGATION SYSTEM;

(2) A SYSTEM OR DEVICE THAT IS PHYSICALLY OR
ELECTRONICALLY INTEGRATED INTO THE VEHICLE; OR

(3) A COMMUNICATION DEVICE THAT IS AFFIXED TO A MASS
TRANSIT VEHICLE, BUS OR SCHOOL BUS.

SECTION 3. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:
§ 3714.1. DRIVER DISTRACTION AWARENESS FUND.

(A) FUND ESTABLISHED.--THE DRIVER DISTRACTION AWARENESS FUND
IS ESTABLISHED IN THE MOTOR LICENSE FUND AS A SPECIAL RESTRICTED
RECEIPTS ACCOUNT HEREBY EARMARKED FOR AND APPROPRIATED TO THE
DEPARTMENT. THIS FUND SHALL CONSIST OF ALL FINES DEPOSITED
PURSUANT TO SECTION 3714(C.1) (RELATING TO CARELESS DRIVING),
ALL FEDERAL FUNDS GRANTED FOR THAT USE AND ANY MONEYS DONATED
INTO THE FUND. ALL SUCH FUNDS SHALL BE USED SOLELY FOR THE
PURPOSE OF THE EDUCATIONAL PROGRAM ESTABLISHED IN SUBSECTION
(B).

(B) EDUCATIONAL PROGRAM.--THE DEPARTMENT SHALL INITIATE AN

1 EDUCATIONAL PROGRAM TO BEGIN IMMEDIATELY TO ALERT THE PUBLIC TO
2 THE PROVISIONS OF SECTION 3714(C.1) AND THE REQUIREMENTS AND
3 PENALTIES SPECIFIED IN SECTION 3714(C.1). THE PROGRAM SHALL ALSO
4 ENCOURAGE MOTORISTS TO ELIMINATE DISTRACTIONS IN THE VEHICLE AS
5 A MEANS OF REDUCING THE RISK OF HARM TO THEMSELVES AS WELL AS TO
6 OTHERS.

7 Section 2 4. This act shall take effect in 60 days.

