

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 580 Session of 2011

INTRODUCED BY MARKOSEK, FEBRUARY 9, 2011

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 9, 2011

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for definitions, for persons
3 ineligible for licensing, license issuance to minors, junior
4 driver's license, for learners' permits and for school
5 examination or hearing or accumulation of points or excessive
6 speeding; providing for prohibiting use of interactive
7 wireless communication device; and further providing for duty
8 of driver in construction and maintenance areas or on highway
9 safety corridors, for duty of driver in emergency response
10 areas, for accident report forms, for department to compile,
11 tabulate and analyze accident reports, for television
12 equipment, for restraint systems and for applicability and
13 uniformity of title.

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

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

18 § 102. Definitions.

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

24 * * *

1 "Interactive wireless communication device." A wireless
2 telephone, personal digital assistant, smart phone, portable or
3 mobile computer, or similar device which can be used for voice
4 communication, texting, e-mailing, browsing the Internet or
5 instant messaging. The term does not include any of the
6 following:

7 (1) A device being used exclusively as a global
8 positioning or navigation system or a system or device that
9 is physically or electronically integrated into the vehicle.

10 (2) A communication device that is affixed to a mass
11 transit vehicle, bus or school bus.

12 (3) An amateur radio.

13 (4) A citizens band radio.

14 * * *

15 Section 2. Section 1503(c) of Title 75 is amended by adding
16 a paragraph to read:

17 § 1503. Persons ineligible for licensing; license issuance to
18 minors; junior driver's license.

19 * * *

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

26 * * *

27 (2.1) (i) For the first six months after issuance of
28 the junior driver's license, a junior driver shall not
29 drive a vehicle with more than one passenger under 18
30 years of age who is not a member of the driver's

1 immediate family unless the junior driver is accompanied
2 by a parent or legal guardian. After the expiration of
3 the first six months, a junior driver shall not drive a
4 vehicle with more than three passengers under 18 years of
5 age who are not members of the driver's immediate family
6 unless the junior driver is accompanied by a parent or
7 legal guardian.

8 (ii) Notwithstanding the provisions of subsection
9 (a), a junior driver shall not drive a vehicle with more
10 than one passenger under 18 years of age who is not a
11 member of the driver's immediate family unless the junior
12 driver is accompanied by a parent or legal guardian if
13 the junior driver has been convicted of any violation of
14 this title.

15 (iii) For purposes of this paragraph, a junior
16 driver's immediate family shall include brothers,
17 sisters, stepbrothers or stepsisters of the driver,
18 including adopted or foster children and persons residing
19 in the same household as the junior driver.

20 * * *

21 Section 3. Sections 1505(e) and 1538(e) of Title 75 are
22 amended to read:

23 § 1505. Learners' permits.

24 * * *

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

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

3 (2) Present to the department a certification form
4 signed by the father, mother, guardian, person in loco
5 parentis or spouse of a married minor stating that the minor
6 applicant has completed [50] 65 hours of practical driving
7 experience accompanied as required under subsection (b).
8 Submission of a certification shall not subject the parent,
9 guardian, person in loco parentis or spouse of a married
10 minor to any liability based upon the certification.

11 (3) Have the certification form completed when the minor
12 is ready for the licensing examination. The certification
13 form shall be developed by the department and will be
14 provided by the department when the original application for
15 a learner's permit is processed. The department will make
16 this form readily available through the mail or electronic
17 means. A suspension under this paragraph shall be in lieu of
18 a suspension under subsection (d) (1).

19 * * *

20 Section 4. Title 75 is amended by adding a section to read:
21 § 3316. Prohibiting use of interactive wireless communication
22 device.

23 (a) Driver restrictions.--

24 (1) Except as provided in paragraph (2), no person shall
25 drive a motor vehicle upon a roadway or trafficway in this
26 Commonwealth while using an interactive wireless
27 communication device for a purpose other than:

28 (i) voice communication through the use of an
29 interactive wireless communication device while in hands-
30 free mode;

1 (ii) reading, selecting or entering a telephone
2 number or name into an interactive wireless communication
3 device for the purpose of voice communication; or

4 (iii) utilizing a global positioning or navigation
5 system.

6 (2) No person with a learner's permit or junior driver's
7 license shall drive a motor vehicle upon a roadway or
8 trafficway in this Commonwealth while using an interactive
9 wireless communication device.

10 (b) Enforcement.--A conviction under subsection (a) by State
11 or local law enforcement agencies shall occur only as a
12 secondary action when a driver of a motor vehicle has been
13 convicted of another provision under this title.

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

15 (1) A driver using an interactive wireless communication
16 device to contact a 911 system or wireless E-911 service, as
17 defined in 35 Pa.C.S. Ch. 53 (relating to emergency telephone
18 service).

19 (2) A driver using an interactive wireless communication
20 device when the vehicle is stopped due to a traffic
21 obstruction and the motor vehicle transmission is in neutral
22 or park.

23 (3) Operators of emergency vehicles who use an
24 interactive wireless communication device for voice
25 communication for the purpose of responding to an emergency
26 while engaged in the performance of their official duties.

27 (4) Volunteer emergency responders who use an
28 interactive wireless communication device for voice
29 communication for the purpose of responding to an emergency
30 while engaged in the performance of their official duties.

1 (d) Seizure.--The provisions of this section shall not be
2 construed as authorizing the seizure or forfeiture of an
3 interactive wireless communication device.

4 (e) Penalty.--

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

8 (2) A person who violates subsection (a) while passing
9 through a school zone, as defined and provided under the
10 regulations of the department, commits a summary offense and
11 shall, upon conviction, be sentenced to pay a fine of \$100.
12 An official traffic-control device shall indicate the
13 beginning and end of each school zone to traffic approaching
14 in each direction. Establishment of a school zone, including
15 its location and hours of operation, shall be approved by the
16 department.

17 (f) Public education and awareness program.--The department
18 shall develop and maintain Statewide public education and
19 awareness programs to combat distracted driving and driving
20 under the influence and promote awareness of the provisions of
21 this section subject to available funding.

22 (g) Guidelines.--The department shall, in consultation with
23 the Department of Education and the Pennsylvania State Police,
24 promulgate guidelines for the implementation of subsection (f)
25 within six months of the effective date of this section.

26 (h) Insurance.--An insurer may not charge an insured who has
27 been convicted under this section a higher premium for a policy
28 of insurance in whole or in part by reason of that conviction.

29 (i) Department to compile report.--The department shall
30 annually compile and make available to the Transportation

Committee of the Senate and the Transportation Committee of the House of Representatives a report detailing the public education efforts to combat distracted driving and driving under the influence and promote awareness of the provisions of this section.

(j) 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:

"Hands-free mode." The use of an interactive wireless communication device that allows the user to engage in communication without the use of either hand by means of an internal feature or function or an attachment or device.

"Volunteer emergency responder." Any of the following:

(1) A member of a volunteer ambulance service as defined in 35 Pa.C.S. § 7363 (relating to definitions).

(2) A member of a volunteer fire company as defined in 35 Pa.C.S. § 7363.

(3) A member of a volunteer rescue company as defined in 35 Pa.C.S. § 7363.

Section 5. Sections 3326(c), 3327(e) and 3352(a) of Title 75 are amended to read:

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

* * *

(c) Fines to be doubled.--For any of the following violations, when committed in an active work zone manned by workers acting in their official capacity or on a highway safety corridor designated under section 6105.1 (relating to designation of highway safety corridors), the fine shall be double the usual amount:

1 Section 3102 (relating to obedience to authorized
2 persons directing traffic).

3 Section 3111 (relating to obedience to traffic-
4 control devices).

5 Section 3112 (relating to traffic-control signals).

6 Section 3114 (relating to flashing signals).

7 Section 3302 (relating to meeting vehicle proceeding
8 in opposite direction).

9 Section 3303 (relating to overtaking vehicle on the
10 left).

11 Section 3304 (relating to overtaking vehicle on the
12 right).

13 Section 3305 (relating to limitations on overtaking
14 on the left).

15 Section 3306 (relating to limitations on driving on
16 left side of roadway).

17 Section 3307 (relating to no-passing zones).

18 Section 3309 (relating to driving on roadways laned
19 for traffic).

20 Section 3310 (relating to following too closely).

21 Section 3316(a) (relating to prohibiting use of
22 interactive wireless communication device).

23 Section 3323 (relating to stop signs and yield
24 signs).

25 Section 3326 (relating to duty of driver in
26 construction and maintenance areas).

27 Section 3361 (relating to driving vehicle at safe
28 speed).

29 Section 3362 (relating to maximum speed limits).

30 Section 3702 (relating to limitations on backing).

1 Section 3714 (relating to careless driving).
2 Section 3736 (relating to reckless driving).
3 Section 3802 (relating to driving under influence of
4 alcohol or controlled substance).

5 * * *

6 § 3327. Duty of driver in emergency response areas.

7 * * *

8 (e) Fines to be doubled.--In addition to any penalty as
9 provided in subsection (b), the fine for any of the following
10 violations when committed in an emergency response area manned
11 by emergency service responders shall be double the usual
12 amount:

13 Section 3102 (relating to obedience to authorized persons
14 directing traffic).

15 Section 3111 (relating to obedience to traffic-control
16 devices).

17 Section 3114 (relating to flashing signals).

18 Section 3302 (relating to meeting vehicle proceeding in
19 opposite direction).

20 Section 3303 (relating to overtaking vehicle on the
21 left).

22 Section 3304 (relating to overtaking vehicle on the
23 right).

24 Section 3305 (relating to limitations on overtaking on
25 the left).

26 Section 3306 (relating to limitations on driving on left
27 side of roadway).

28 Section 3307 (relating to no-passing zones).

29 Section 3310 (relating to following too closely).

30 Section 3312 (relating to limited access highway

entrances and exits).

Section 3316(a) (relating to prohibiting use of interactive wireless communication device).

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).

* * *

§ 3752. Accident report forms.

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

1 * * *

2 Section 6. Section 3753 of Title 75 is amended by adding a
3 subsection to read:

4 § 3753. Department to compile, tabulate and analyze accident
5 reports.

6 * * *

7 (b.1) Report on interactive wireless communication
8 devices.--The department shall annually compile and make
9 available to the public information submitted on an accident
10 report concerning the use of interactive wireless communication
11 devices in motor vehicles involved in traffic accidents. The
12 report shall note whether the driver of the motor vehicle was
13 using an interactive wireless communication device when the
14 accident occurred. The data shall also be included in an annual
15 report submitted by the department to the Transportation
16 Committee of the Senate and the Transportation Committee of the
17 House of Representatives.

18 * * *

19 Section 7. Sections 4527 and 4581(a) and (b) are amended to
20 read:

21 § 4527. [Television] Video receiving equipment.

22 (a) General rule.--[No] Except as provided in subsection
23 (c), no person shall drive a motor vehicle operated on a highway
24 [shall be] equipped with [television-type] any image display
25 device, video receiving equipment, including a receiver, a video
26 monitor or a television or video screen capable of displaying a
27 television broadcast or video signal that produces entertainment
28 or business applications or similar equipment which is located
29 in the motor vehicle at any point forward of the back of the
30 driver's seat [or otherwise visible], or which is visible,

1 directly or indirectly, to the driver while operating the motor
2 vehicle.

3 (a.1) Prohibition.--Except as provided in subsection (b), no
4 registered owner of a motor vehicle shall install or cause to be
5 installed in the owner's motor vehicle an image display device
6 intended to be visible to a driver in the normal driving
7 position when the vehicle is in motion and when the driver is
8 restrained by the safety seat belt system adjusted in accordance
9 with the manufacturer's recommendations.

10 (b) Exception.--This section shall not apply to the
11 following:

12 (1) [Television-type receiving equipment] Image display
13 devices in a vehicle used exclusively for safety or law
14 enforcement purposes as approved by the Pennsylvania State
15 Police.

16 (2) [Electronic displays] Image display devices used in
17 conjunction with in-vehicle navigation systems, related to
18 traffic, road and weather information.

19 (3) Image display devices that provide vehicle
20 information related to the driving task or to enhance or
21 supplement the driver's view forward, behind or to the sides
22 of the motor vehicle or permit the driver to monitor vehicle
23 occupants behind the driver.

24 (4) Image display devices that do not display images to
25 the driver while the vehicle is in motion.

26 (5) Image display devices which display an image while a
27 vehicle is parked.

28 (c) Definitions.--As used in this section, the term "image
29 display device" means equipment capable of displaying to the
30 driver of the motor vehicle:

1 (1) a broadcast television image; or
2 (2) a visual image, other than text, from a digital
3 video disc or other storage device.

4 § 4581. Restraint systems.

5 (a) Occupant protection.--

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

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

1 action when a driver of a motor vehicle has been convicted of
2 violating any other provision of this title.]

3 (2) [Except for children under eight years of age and
4 except as provided in paragraphs (1) and (1.1), each]

5 (i) The driver [and front seat occupant] of a
6 passenger car, Class I truck, Class II truck or motor
7 home operated in this Commonwealth shall [wear] secure or
8 cause to be secured in a properly adjusted and fastened
9 safety seat belt system on the driver, if under 18 years
10 of age, and every vehicle occupant eight years of age or
11 older but under 18 years of age. [A conviction under this
12 paragraph by State or local law enforcement agencies
13 shall occur only as a secondary action when a driver of a
14 motor vehicle has been convicted of any other provision
15 of this title. The driver of a passenger automobile shall
16 secure or cause to be secured in a properly adjusted and
17 fastened safety seat belt system any occupant who is
18 eight years of age or older and less than 18 years of
19 age.]

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

27 (iii) This paragraph shall not apply to:

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

30 [(ii)] (B) A driver or front seat occupant who

1 possesses a written verification from a physician
2 that he is unable to wear a safety seat belt system
3 for physical or medical reasons, or from a
4 psychiatrist or other specialist qualified to make an
5 informed judgment that he is unable to wear a safety
6 seat belt system for psychological reasons.

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

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

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

20 (3) [A] Notwithstanding the provisions of section
21 1503(c)(2.1) (relating to persons ineligible for licensing;
22 license issuance to minors; junior driver's license), a
23 driver who is under 18 years of age may not operate a motor
24 vehicle in which the number of passengers exceeds the number
25 of available safety seat belts in the vehicle.

26 (b) Offense.--Anyone who fails to comply with the provisions
27 of subsection (a)(1) or (1.1) shall be guilty of a summary
28 offense with a maximum fine of \$100. The court imposing and
29 collecting any such fines shall transfer the fines thus
30 collected to the State Treasurer for deposit in the Child

1 Passenger Restraint Fund, pursuant to section 4582 (relating to
2 Child Passenger Restraint Fund). Anyone who violates subsection
3 (a)(2) or (3) commits a summary offense and shall, upon
4 conviction, be sentenced to pay a fine of \$10. No person shall
5 be convicted of a violation of subsection [(a)(2)] (a)(2)(ii)
6 unless the person is also convicted of another violation of this
7 title which occurred at the same time. No costs as described in
8 42 Pa.C.S. § 1725.1 (relating to costs) shall be imposed for
9 summary conviction of subsection (a)(2) or (3). Conviction under
10 this subsection shall not constitute a moving violation.

11 * * *

12 Section 8. Section 6101 of Title 75 is amended to read:

13 § 6101. Applicability and uniformity of title.

14 The provisions of this title shall be applicable and uniform
15 throughout this Commonwealth and in all political subdivisions
16 in this Commonwealth, and no local authority shall enact or
17 enforce any ordinance on a matter covered by the provisions of
18 this title unless expressly authorized. A person charged with
19 violating an ordinance determined to be enacted or enforced in
20 violation of this section shall be awarded court costs and
21 attorney fees incurred as a result of defending against the
22 charge.

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