

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 896 Session of  
2011

INTRODUCED BY ROSS, BARRAR, BOYD, CALTAGIRONE, CRUZ, CUTLER,  
DeLUCA, DENLINGER, DeWEESE, J. EVANS, FLECK, GABLER, GROVE,  
HARKINS, HESS, HICKERNELL, HORNAMAN, KAUFFMAN, MILLER, MILNE,  
MUNDY, MURT, O'NEILL, PETRI, READSHAW, REICHLEY, SCAVELLO,  
SCHRODER, TALLMAN, TAYLOR, WATSON, ADOLPH, FARRY AND  
MARSHALL, MARCH 2, 2011

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MAY 3, 2011

## AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for the offense of careless  
3 driving; ESTABLISHING THE DRIVER DISTRACTION AWARENESS FUND;  
4 AND PROVIDING FOR ADDITIONAL DUTIES OF THE DEPARTMENT OF  
5 TRANSPORTATION. ←

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

8 Section 1. Section 3714 of Title 75 of the Pennsylvania  
9 Consolidated Statutes, amended October 19, 2010 (P.L.557,  
10 No.81), is amended to read:

11 § 3714. Careless driving.

12 (a) General rule.--Any person who drives a vehicle in  
13 careless disregard for the safety of persons or property is  
14 guilty of careless driving, a summary offense.

15 (b) Unintentional death.--If the person who violates this  
16 section unintentionally causes the death of another person as a  
17 result of the violation, the person shall, upon conviction, be

1 sentenced to pay a fine of \$500.

2 (c) Serious bodily injury.--If the person who violates this  
3 section unintentionally causes the serious bodily injury of  
4 another person as a result of the violation, the person shall,  
5 upon conviction, be sentenced to pay a fine of \$250.

6 (c.1) ~~Additional penalty~~ INCREASED FINE for distracted  
7 driver.--

8 (1) Any person who violates this section and at the time  
9 of the violation is distracted by the use of ~~any electronic,~~  
10 ~~electrical, mechanical, personal grooming device, food,~~  
11 ~~drink, book or printed material shall, in addition to any~~  
12 ~~other penalty imposed, upon conviction, be sentenced to pay a~~  
13 ~~fine of \$50.~~ THE FOLLOWING, INCLUDING, BUT NOT LIMITED TO:

14 (I) AN INTERACTIVE WIRELESS COMMUNICATIONS DEVICE;  
15 (II) AN ELECTRONIC, ELECTRICAL OR MECHANICAL DEVICE;  
16 (III) A PERSONAL GROOMING DEVICE;  
17 (IV) FOOD;  
18 (V) DRINK; AND  
19 (VI) ANY PRINTED MATERIAL,

20 SHALL IN ADDITION TO ANY OTHER PENALTY IMPOSED, UPON  
21 CONVICTION, BE SENTENCED TO PAY A FINE OF \$50.

22 (2) No person shall be convicted under this subsection  
23 unless the person is also convicted under subsection (a) for  
24 a violation which occurred at the same time. No costs as  
25 described under 42 Pa.C.S. § 1725.1 (relating to costs) shall  
26 be imposed for a conviction under this subsection. Conviction  
27 under this subsection shall not constitute a moving  
28 violation.

29 (3) FINES COLLECTED UNDER THIS SUBSECTION SHALL BE PAID  
30 TO THE COMMONWEALTH FOR DEPOSIT INTO THE DRIVER DISTRACTION

1     AWARENESS FUND.

2     (C.2) REPORT.--THE DEPARTMENT SHALL SUBMIT TO THE GENERAL  
3 ASSEMBLY A REPORT ON THE EFFECTS OF SUBSECTION (C.1) BY AUGUST  
4 31, 2012.

5     (d) Definition.--As used in this section, "distracted" means  
6 having a person's attention diverted from operating a vehicle by  
7 a radio, recording and playback device, telephone device, ←  
8 citizens band radio, television, computer and any other device  
9 ANY TASK OR ITEM, INCLUDING, BUT NOT LIMITED TO, AN ELECTRONIC, ←  
10 ELECTRICAL, MECHANICAL OR PERSONAL GROOMING DEVICE, FOOD, DRINK,  
11 BOOK OR PRINTED MATERIAL.

12     SECTION 2. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ: ←  
13 § 3714.1. DRIVER DISTRACTION AWARENESS FUND.

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

23     (B) EDUCATIONAL PROGRAM.--THE DEPARTMENT SHALL INITIATE AN  
24 EDUCATIONAL PROGRAM TO BEGIN IMMEDIATELY TO ALERT THE PUBLIC TO  
25 THE PROVISIONS OF SECTION 3714 (C.1) AND THE REQUIREMENTS AND  
26 PENALTIES SPECIFIED IN SECTION 3714(C.1). THE PROGRAM SHALL ALSO  
27 ENCOURAGE MOTORISTS TO ELIMINATE DISTRACTIONS IN THE VEHICLE AS  
28 A MEANS OF REDUCING THE RISK OF HARM TO THEMSELVES AS WELL AS TO  
29 OTHERS.

30     Section 2 3. This act shall take effect in 60 days. ←