
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 635 Session of
2011

INTRODUCED BY WOZNIAK, SOLOBAY, TARTAGLIONE, ERICKSON, YUDICHAK,
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FEBRUARY 24, 2011

REFERRED TO TRANSPORTATION, FEBRUARY 24, 2011

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 and
4 for suspension of operating privilege; prohibiting
5 interactive wireless communications devices; and further
6 providing for duty of driver in construction and maintenance
7 areas or on highway safety corridors, for duty of driver in
8 emergency response areas, for accident report forms, for
9 department to compile, tabulate and analyze accident reports,
10 for television equipment and for restraint systems.

11 The General Assembly of the Commonwealth of Pennsylvania
12 declares that the part of this act that limits the number of
13 passengers a junior driver may transport in a motor vehicle at
14 one time may be referred to as Lacey's Law in honor of Lacey
15 Gallagher.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

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

20 § 102. Definitions.

21 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 communication device." A wireless
7 telephone, personal digital assistant, smart phone, portable or
8 mobile computer or similar device which can be used for voice
9 communication, texting, e-mailing, browsing the Internet or
10 instant messaging. The term does not include any of the
11 following:

12 (1) a device being used exclusively as a global
13 positioning or navigation system;

14 (2) a system or device that is physically or
15 electronically integrated into the vehicle; or

16 (3) a communication device that is affixed to a mass
17 transit vehicle, bus or school bus.

18 * * *

19 Section 2. Sections 1503(c) and 1538(e) of Title 75 are
20 amended to read:

21 § 1503. Persons ineligible for licensing; license issuance to
22 minors; junior driver's license.

23 * * *

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

30 (1) Except as provided in paragraph (2), no licensed

1 junior driver shall drive a vehicle upon a public highway
2 between 11 p.m. and 5 a.m. unless accompanied by a spouse 18
3 years of age or older, a parent or a person in loco parentis.

4 (2) A licensed junior driver conforming to the
5 requirements of section 1507 (relating to application for
6 driver's license or learner's permit by minor) may drive a
7 vehicle upon a public highway between 11 p.m. and 5 a.m.
8 between the junior driver's home and activity or employment
9 or in the course of the junior driver's activity or
10 employment if the junior driver is a member of a volunteer
11 fire company authorized by the fire chief to engage in
12 fighting fires, is engaged in public or charitable service or
13 is employed and is carrying an affidavit or certificate of
14 authorization signed by the junior driver's fire chief,
15 supervisor or employer indicating the probable schedule of
16 the junior driver's activities. Upon termination of the
17 junior driver's activity or employment, the junior driver
18 shall surrender the affidavit or certificate to the fire
19 chief, supervisor or employer. If the junior driver shall
20 fail to surrender the affidavit or certificate, the employer,
21 fire chief or supervisor shall immediately notify the
22 Pennsylvania State Police.

23 (2.1) For the first six months after issuance of the
24 junior driver's license, a junior driver shall not drive a
25 vehicle with more than one passenger under 18 years of age
26 who is not a member of the driver's immediate family unless
27 the junior driver is accompanied by a parent or legal
28 guardian. After the expiration of the first six months, a
29 junior driver shall not drive a vehicle with more than three
30 passengers under 18 years of age who are not members of the

1 driver's immediate family unless the junior driver is
2 accompanied by a parent or legal guardian. A junior driver
3 shall not drive a vehicle with more than one passenger under
4 18 years of age who is not a member of the driver's immediate
5 family unless the junior driver is accompanied by a parent or
6 legal guardian if the junior driver has been involved in an
7 accident reportable under section 3746(a) (relating to
8 immediate notice of accident to police department) for which
9 the junior driver is partially or fully responsible in the
10 opinion of the department or has been convicted of any
11 violation of this title. For purposes of this subsection, a
12 junior driver's immediate family shall include brothers,
13 sisters, stepbrothers or stepsisters of the driver, including
14 adopted or foster children residing in the same household as
15 the junior driver.

16 (3) In addition to the other provisions of this title
17 relating to the suspension or revocation of operating
18 privileges, in the event that a licensed junior driver is
19 involved in an accident reportable under section 3746(a) for
20 which the junior driver is partially or fully responsible in
21 the opinion of the department or is convicted of any
22 violation of this title, the department may suspend the
23 operating privileges of the junior driver until the junior
24 driver attains 18 years of age or for a period of time not
25 exceeding 90 days.

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

28 § 1538. School, examination or hearing on accumulation of
29 points or excessive speeding.

30 * * *

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

2 (1) In addition to any other provisions of law relating
3 to the suspension or revocation of operating privileges, a
4 person's operating privileges shall be suspended under any of
5 the following circumstances:

6 (i) Prior to reaching age 18, the person violates
7 section 3362 (relating to maximum speed limits) by
8 traveling 26 miles per hour or more over the posted speed
9 limit and the violation results in a conviction, guilty
10 plea or plea of no contest before or after the person
11 reaches age 18.

12 (ii) The person accumulates six or more points under
13 the provisions of section 1535 (relating to schedule of
14 convictions and points) and the violations resulting in
15 points accumulation were committed before the person
16 reached age 18.

17 (2) The first suspension under paragraph (1) shall be
18 for a period of 90 days with every subsequent suspension
19 under paragraph (1) to be for a period of 120 days.
20 Suspensions under paragraph (1) shall be imposed
21 consecutively to each other and to any other suspension. A
22 suspension under paragraph (1) shall be considered a
23 subsequent suspension even if it is imposed contemporaneously
24 with a first suspension imposed under paragraph (1). A
25 suspension under this paragraph shall be in lieu of a
26 suspension under subsection (d) (1).

27 (3) An insurer shall treat a suspension of a person
28 under this subsection the same as a person over 18 years of
29 age for a similar violation for the purpose of automobile
30 insurance and may not increase premiums, impose any surcharge

1 or rate penalty or make any driver record point assignment
2 for automobile insurance in a manner different from that of a
3 person over 18 years of age.

4 Section 3. Title 75 is amended by adding a section to read:
5 § 3316. Prohibiting interactive wireless communication devices.

6 (a) Drivers subject to restriction.--No person with a
7 learners' permit or junior driver's license shall drive a motor
8 vehicle on a roadway or trafficway in this Commonwealth while
9 using an interactive wireless communication device.

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

11 (1) Persons who use an interactive wireless
12 communication device to contact a 511 service or 911 system
13 or wireless E-911 service, as defined in the act of July 9,
14 1990 (P.L.340, No.78), known as the Public Safety Emergency
15 Telephone Act.

16 (2) Persons who use an interactive wireless
17 communication device when the vehicle is stopped due to
18 traffic obstruction and the motor vehicle transmission is in
19 neutral or park.

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

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

28 (5) Amateur radio operators who use an interactive
29 wireless communication device for voice communication.

30 (c) Seizure.--The provisions of this section shall not be

1 construed as authorizing the seizure or forfeiture of an
2 interactive wireless communication device, unless otherwise
3 provided by law.

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

7 (e) Secondary action.--A conviction under this section by
8 State or local law enforcement agencies shall occur only as a
9 secondary action when a driver of a motor vehicle has been
10 convicted of violating any other provision of this title.

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

14 "Volunteer emergency responder." Any of the following:

15 (1) a member of a volunteer ambulance service as defined
16 in section 102 of the act of July 31, 2003 (P.L.73, No.17),
17 known as the Volunteer Fire Company and Volunteer Ambulance
18 Service Grant Act;

19 (2) a member of a volunteer fire company as defined in
20 section 102 of the Volunteer Fire Company and Volunteer
21 Ambulance Service Grant Act; or

22 (3) member of a volunteer rescue company as defined in
23 section 102 of the Volunteer Fire Company and Volunteer
24 Ambulance Service Grant Act.

25 Section 4. Sections 3326(c), 3327(e) and 3752(a) of Title 75
26 are amended to read:

27 § 3326. Duty of driver in construction and maintenance areas or
28 on highway safety corridors.

29 * * *

30 (c) Fines to be doubled.--For any of the following

1 violations, when committed in an active work zone manned by
2 workers acting in their official capacity or on a highway safety
3 corridor designated under section 6105.1 (relating to
4 designation of highway safety corridors), the fine shall be
5 double the usual amount:

6 Section 3102 (relating to obedience to authorized persons
7 directing traffic).

8 Section 3111 (relating to obedience to traffic-control
9 devices).

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

11 Section 3114 (relating to flashing signals).

12 Section 3302 (relating to meeting vehicle proceeding in
13 opposite direction).

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

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

16 Section 3305 (relating to limitations on overtaking on the
17 left).

18 Section 3306 (relating to limitations on driving on left side
19 of roadway).

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

21 Section 3309 (relating to driving on roadways laned for
22 traffic).

23 Section 3310 (relating to following too closely).

24 Section 3316 (relating to prohibiting interactive wireless
25 communication devices).

26 Section 3323 (relating to stop signs and yield signs).

27 Section 3326 (relating to duty of driver in construction and
28 maintenance areas or on highway safety corridors).

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

30 Section 3362 (relating to maximum speed limits).

1 Section 3702 (relating to limitations on backing).

2 Section 3714 (relating to careless driving).

3 Section 3736 (relating to reckless driving).

4 Section 3802 (relating to driving under influence of alcohol
5 or controlled substance).

6 * * *

7 § 3327. Duty of driver in emergency response areas.

8 * * *

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

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

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

18 Section 3114 (relating to flashing signals).

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

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

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

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

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

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

28 Section 3310 (relating to following too closely).

29 Section 3312 (relating to limited access highway entrances
30 and exits).

1 Section 3316 (relating to prohibiting interactive wireless
2 communication devices).

3 Section 3323 (relating to stop signs and yield signs).

4 Section 3325 (relating to duty of driver on approach of
5 emergency vehicle).

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

7 Section 3707 (relating to driving or stopping close to fire
8 apparatus).

9 Section 3710 (relating to stopping at intersection or
10 crossing to prevent obstruction).

11 Section 3714 (relating to careless driving).

12 Section 3736 (relating to reckless driving).

13 Section 3802 (relating to driving under influence of alcohol
14 or controlled substance).

15 * * *

16 § 3752. Accident report forms.

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

1 * * *

2 Section 5. 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) Certain reports.--The department shall annually
8 compile and make available to the public information submitted
9 on an accident report concerning interactive wireless
10 communication devices in motor vehicles involved in traffic
11 accidents. The report shall note whether the driver of the motor
12 vehicle was using an interactive wireless communication device
13 when the accident occurred. The department shall biannually
14 compile and make available to the public information submitted
15 on an accident report concerning junior drivers with multiple
16 passengers under 18 years of age and the use of seat belts by
17 drivers and passengers under 18 years of age in motor vehicles
18 involved in traffic accidents. The report shall note the number
19 of passengers under 18 years of age if the driver involved in
20 the accident was a junior driver and whether drivers and
21 passengers under 18 years of age utilized a safety belt system.
22 The data shall be included in a report submitted to the
23 Transportation Committee of the Senate and the Transportation
24 Committee of the House of Representatives.

25 * * *

26 Section 6. Sections 4527 and 4581(a) and (b) of Title 75 are
27 amended to read:

28 § 4527. [Television] Video receiving equipment.

29 (a) General rule.--[No] Except as provided in subsection
30 (b), no person shall drive a motor vehicle [operated on a

1 highway shall be] equipped with [television-type] any image
2 display device, video receiving equipment, including a receiver,
3 a video monitor or a television or video screen capable of
4 displaying a television broadcast or video signal that produces
5 entertainment or business applications or similar equipment
6 which is located in the motor vehicle at any point forward of
7 the back of the driver's seat [or otherwise], or which is
8 visible, directly or indirectly, to the driver while operating
9 the motor vehicle.

10 (a.1) Except as provided in subsection (b), no person may
11 install in a motor vehicle an image display device intended to
12 be visible to a driver in the normal driving position when the
13 vehicle is in motion and when restrained by the safety seat belt
14 system adjusted in accordance with the manufacturer's
15 recommendations.

16 (b) Exception.--This section shall not apply to the
17 following:

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

22 (2) [Electronic displays] Image display devices used in
23 conjunction with in-vehicle navigation systems, related
24 traffic, road and weather information.

25 (3) Image display devices that provide vehicle
26 information related to the driving task or to enhance or
27 supplement the driver's view forward, behind or to the sides
28 of the motor vehicle or permit the driver to monitor vehicle
29 occupants behind the driver.

30 (4) Image display devices that do not display images to

1 the driver while the vehicle is in motion.

2 (5) Image display devices which display an image while a
3 vehicle is parked.

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

7 (1) a broadcast television image; or

8 (2) a visual image, other than text, from a digital
9 video disc or other storage device.

10 § 4581. Restraint systems.

11 (a) Occupant protection.--

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

23 (1.1) Any person who is operating a passenger car, Class
24 I truck, Class II truck, classic motor vehicle, antique motor
25 vehicle or motor home and who transports a child four years
26 of age or older but under eight years of age anywhere in the
27 motor vehicle, including the cargo area, shall fasten such
28 child securely in a fastened safety seat belt system and in
29 an appropriately fitting child booster seat, as defined in
30 subsection (d). This paragraph shall apply to all persons

1 while they are operators of motor vehicles where a seating
2 position is available which is equipped with a seat safety
3 belt or other means to secure the systems or where the
4 seating position was originally equipped with seat safety
5 belts. [A conviction under this paragraph by State or local
6 law enforcement agencies shall occur only as a secondary
7 action when a driver of a motor vehicle has been convicted of
8 violating any other provision of this title.]

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

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

26 (ii) Except for children under 18 years of age and
27 except as provided in paragraphs (1) and (1.1) and
28 subparagraph (i), each driver and front seat occupant of
29 a passenger car, Class I truck, Class II truck, classic
30 motor vehicle, antique motor vehicle or motor home

1 operated in this Commonwealth shall wear a properly
2 adjusted and fastened safety seat belt system.

3 (iii) This paragraph shall not apply to:

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

6 [(ii)] (B) A driver or front seat occupant who
7 possesses a written verification from a physician
8 that he is unable to wear a safety seat belt system
9 for physical or medical reasons, or from a
10 psychiatrist or other specialist qualified to make an
11 informed judgment that he is unable to wear a safety
12 seat belt system for psychological reasons.

13 [(iii)] (C) A rural letter carrier while
14 operating any motor vehicle during the performance of
15 his duties as a United States postal service rural
16 letter carrier only between the first and last
17 delivery points.

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

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

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

30 (b) Offense.--Anyone who fails to comply with the provisions

1 of subsection (a) (1) or (1.1) shall be guilty of a summary
2 offense with a maximum fine of \$100. The court imposing and
3 collecting any such fines shall transfer the fines thus
4 collected to the State Treasurer for deposit in the Child
5 Passenger Restraint Fund, pursuant to section 4582 (relating to
6 Child Passenger Restraint Fund). Anyone who violates subsection
7 (a) (2) or (3) commits a summary offense and shall, upon
8 conviction, be sentenced to pay a fine of \$10. No person shall
9 be convicted of a violation of subsection [(a) (2)] (a) (2) (ii)
10 unless the person is also convicted of another violation of this
11 title which occurred at the same time. No costs as described in
12 42 Pa.C.S. § 1725.1 (relating to costs) shall be imposed for
13 summary conviction of subsection (a) (2) or (3). Conviction under
14 this subsection shall not constitute a moving violation.

15 * * *

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