

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1046 Session of 2017

INTRODUCED BY KORTZ, RAVENSTAHL, NEILSON, McNEILL, READSHAW,  
D. COSTA, DEASY AND THOMAS, APRIL 3, 2017

REFERRED TO COMMITTEE ON EDUCATION, APRIL 3, 2017

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," in pupils and attendance, prohibiting  
6 unsafe operation of school buses and school vehicles.

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

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
10 as the Public School Code of 1949, is amended by adding a  
11 section to read:

12 Section 1361.1. Unsafe Operation of School Buses and School  
13 Vehicles.--(a) No individual may consume food or beverages or  
14 operate a cellular telephone while operating a school bus or a  
15 school vehicle on any trafficway when the bus or vehicle is in  
16 motion and is transporting one or more children.

17 (b) The prohibition in subsection (a) does not apply when  
18 the school bus or school vehicle is parked in a safe area off of  
19 a trafficway as defined in 75 Pa.C.S. § 102 (relating to  
20 definitions), the consumption of food or beverages is necessary

1 for a medical condition, or in an emergency situation as defined  
2 in subsection (d).

3 (c) A person who violates this section commits a summary  
4 offense and shall, upon conviction, be sentenced to pay a fine  
5 of not less than fifty dollars (\$50) nor more than one hundred  
6 dollars (\$100). The fine shall be three hundred dollars (\$300)  
7 if the violation causes a vehicular accident.

8 (d) For purposes of this section:

9 "Cellular telephone" shall mean a cellular, analog, wireless  
10 or digital two-way communication device that:

11 (1) Requires the operator to dial numbers or operate  
12 manually.

13 (2) Includes radio-telephone communications used in cellular  
14 telephone service, personal communication service or the  
15 functional equivalent of a radio-telephone communications line  
16 used in cellular telephone service or a personal communication  
17 service.

18 The term does not include a two-way radio, a citizens band radio  
19 or a citizens band radio hybrid.

20 "Emergency situation" shall include an occasion where a call  
21 is made to:

22 (1) An emergency system response operator or 911 public  
23 safety communications dispatcher.

24 (2) A hospital or emergency room.

25 (3) A physician's office or health clinic.

26 (4) An ambulance or fire department rescue service.

27 (5) A fire department or volunteer fire department.

28 (6) A police department.

29 (7) A school district building or central dispatch.

30 (8) Emergency roadside assistance agencies or towing or

1 repair businesses.

2 "School bus" shall have the same meaning as under 75 Pa.C.S.

3 § 102 (relating to definitions).

4 "School vehicle" shall have the same meaning as under 75

5 Pa.C.S. § 102 (relating to definitions).

6 Section 2. This act shall take effect in 60 days.