

AMENDMENTS TO SENATE BILL NO. 1312

Sponsor: REPRESENTATIVE MARSICO

Printer's No. 2087

1 Amend Bill, page 1, line 2, by inserting after "Statutes,"
2 in general provisions, further providing for definitions; in
3 commercial drivers, further providing for definitions, and
4 providing for texting while driving and for handheld mobile
5 telephone;

6 Amend Bill, page 1, line 3, by striking out "AND,"

7 Amend Bill, page 1, line 7, by inserting after
8 "UNDERCARRIAGE"

9 ; and making an editorial change

10 Amend Bill, page 1, lines 12 and 13, by striking out all of
11 said lines and inserting

12 Section 1. Section 102 of Title 75 of the Pennsylvania
13 Consolidated Statutes is amended by adding a definition to read:
14 § 102. Definitions.

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

20 * * *

21 "Manufactured home." A manufactured home as defined in
22 section 603(6) of the National Manufactured Housing Construction
23 and Safety Standards Act of 1974 (Public Law 93-383, 42 U.S.C.
24 § 5402(6)). The term includes a mobile home.

25 * * *

26 Section 2. Paragraph (4) of the definition of "serious
27 traffic violation" in section 1603 of Title 75 is amended to
28 read:

29 § 1603. Definitions.

30 The following words and phrases when used in this chapter
31 shall have the meanings given to them in this section unless the
32 context clearly indicates otherwise:

33 * * *

1 "Serious traffic violation."

2 * * *

3 (4) Any violation of section 1606(a) (relating to
4 requirement for commercial driver's license), 1621(a)
5 (relating to texting while driving), 1622(a) (relating to
6 handheld mobile telephone), 3305 (relating to limitations on
7 overtaking on left), 3306 (relating to limitations on driving
8 on left side of roadway), 3307 (relating to no-passing
9 zones), 3309(1), (2) or (4) (relating to driving on roadways
10 laned for traffic), 3310 (relating to following too closely),
11 3326 (relating to duty of driver in construction and
12 maintenance areas or on highway safety corridors) or 3365(c)
13 (relating to special speed limitations).

14 * * *

15 Section 3. Title 75 is amended by adding sections to read:
16 § 1621. Texting while driving.

17 (a) Prohibition.--Except as provided under subsection (c), a
18 driver may not engage in texting while driving a commercial
19 motor vehicle or motor carrier vehicle.

20 (b) Employer.--Except as provided under subsection (c), an
21 employer may not permit or require a driver of the employer to
22 engage in texting while driving a commercial motor vehicle or
23 motor carrier vehicle.

24 (c) Emergency use exception.--Texting while driving shall be
25 permissible by a driver of a commercial motor vehicle or motor
26 carrier vehicle if necessary to communicate with a law
27 enforcement official or other emergency service.

28 (d) Penalties.--

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

32 (2) A person who violates subsection (b) commits a
33 summary offense and shall, upon conviction, be sentenced to
34 pay a fine of \$500.

35 (e) Definitions.--As used in this section, the following
36 words and phrases shall have the meanings given to them in this
37 subsection:

38 "Driving." Operating a commercial motor vehicle or motor
39 carrier vehicle on a highway, with the motor running, including
40 while the commercial motor vehicle or motor carrier vehicle is
41 temporarily stationary because of traffic, a traffic control
42 device or other momentary delay. The term does not include
43 operating a commercial motor vehicle or motor carrier vehicle
44 with or without the motor running if the driver moved the
45 vehicle to the side of or off of a highway and halted in a
46 location where the vehicle can safely remain stationary.

47 "Electronic device." An electronic device includes, but is
48 not limited to, a cellular telephone, personal digital
49 assistant, pager, computer or any other device used to input,
50 write, send, receive or read text.

51 "Texting." Manually entering alphanumeric text into, or

1 reading text from, an electronic device. The following shall
2 apply:

3 (1) The term includes, but is not limited to, short
4 message service, e-mailing, instant messaging, a command or
5 request to access an Internet web page, pressing more than a
6 single button to initiate or terminate a voice communication
7 using a mobile telephone or engaging in any other form of
8 electronic text retrieval or entry, for present or future
9 communication.

10 (2) The term does not include:

11 (i) Inputting, selecting or reading information on a
12 global positioning system or navigation system.

13 (ii) Pressing a single button to initiate or
14 terminate a voice communication using a mobile telephone.

15 (iii) Using a device capable of performing multiple
16 functions, including, but not limited to, fleet
17 management systems, dispatching devices, citizens band
18 radios and music players, for a purpose that is not
19 prohibited by this section.

20 § 1622. Handheld mobile telephone.

21 (a) Commercial motor vehicle.-- Except as provided under
22 subsection (c), a driver may not use a handheld mobile telephone
23 while driving a commercial motor vehicle or motor carrier
24 vehicle.

25 (b) Employer.--Except as provided under subsection (c), an
26 employer may not permit or require a driver of the employer to
27 use a handheld mobile telephone while driving a commercial motor
28 vehicle or a motor carrier vehicle.

29 (c) Emergency use exception.--Using a handheld mobile
30 telephone shall be permissible by a driver of a commercial motor
31 vehicle or motor carrier vehicle if necessary to communicate
32 with a law enforcement official or other emergency service.

33 (d) Penalties.--

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

37 (2) A person who violates subsection (b) commits a
38 summary offense and shall, upon conviction, be sentenced to
39 pay a fine of \$500.

40 (e) Definitions.--As used in this section, the following
41 words and phrases shall have the meanings given to them in this
42 subsection:

43 "Driving." Operating a commercial motor vehicle or motor
44 carrier vehicle on a highway, with the motor running, including
45 while the commercial motor vehicle or motor carrier vehicle is
46 temporarily stationary because of traffic, a traffic control
47 device or other momentary delay. The term does not include
48 operating a commercial motor vehicle or motor carrier vehicle
49 with or without the motor running if the driver moved the
50 vehicle to the side of or off of a highway and halted in a
51 location where the vehicle can safely remain stationary.

1 "Mobile telephone." A mobile communication device which uses
2 a commercial mobile radio service, as defined in 47 CFR § 20.3
3 (relating to definitions). The term does not include two-way or
4 Citizens Band Radio services.

5 "Use a handheld mobile telephone." As follows:

6 (1) Using at least one hand to hold a mobile telephone
7 to conduct a voice communication.

8 (2) Dialing or answering a mobile telephone by pressing
9 more than a single button.

10 (3) Reaching for a mobile telephone in a manner that
11 requires a driver to maneuver so that the driver is no longer
12 in a seated driving position, restrained by a seat belt that
13 is installed in accordance with 49 CFR § 393.93 (relating to
14 seats, seat belt assemblies, and seat belt assembly
15 anchorage) and adjusted in accordance with the vehicle
16 manufacturer's instructions.

17 Section 4. Section 1944 of Title 75, amended November 25,
18 2013 (P.L.974, No.89), is amended to read:

19 § 1944. Mobile homes, modular housing units and modular housing
20 undercarriages.

21 The fee for a special hauling permit for a mobile home,
22 modular housing unit or modular housing undercarriage which
23 exceeds the maximum size prescribed in this title but which does
24 not exceed 14 feet in body width shall be \$39. The fee for a
25 special hauling permit for a mobile home or modular housing
26 unit, as provided in section 4973 (relating to permits for
27 movement of a mobile home, a manufactured home or a modular
28 housing unit and modular housing undercarriage), shall be \$76.

29 Section 5. Sections 3742(b) and 4923(a) of Title 75 are
30 amended to read:

31 Amend Bill, page 3, line 11, by striking out "2" and
32 inserting

33 6

34 Amend Bill, page 3, line 30, by striking out "TRAFFIC" where
35 it occurs the second time and inserting

36 traffic-control

37 Amend Bill, page 4, line 4, by inserting after "HOME"
38 , a manufactured home

39 Amend Bill, page 4, line 13, by inserting after "NOT"
40 cause the overall weight to exceed 80,000 pounds or

41 Amend Bill, page 4, line 16, by striking out all of said line
42 and inserting

1 Section 7. Section 4973 heading and subsection (e) of Title
2 75 are amended to read:

3 Amend Bill, page 4, line 17, by inserting after "HOME"
4 , a manufactured home

5 Amend Bill, page 4, line 27, by striking out "4" and
6 inserting

7 8