

AMENDMENTS TO HOUSE BILL NO. 1684

Sponsor: REPRESENTATIVE R. BROWN

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1 Amend Bill, page 1, line 2, by inserting after "Statutes,"
2 in general provisions, further providing for definitions;
3 Amend Bill, page 1, lines 4 and 5, by striking out "calls on
4 hand-held mobile telephones;" in line 4 and all of line 5 and
5 inserting
6 use of interactive wireless communications devices, imposing
7 penalties and establishing the Driver Distraction Awareness
8 Fund; and, in operation of vehicles miscellaneous provisions,
9 further providing for the offense of careless driving.
10 Amend Bill, page 1, lines 8 and 9, by striking out all of
11 said lines and inserting
12 Section 1. The definition of "interactive wireless
13 communications device" in section 102 of Title 75 of the
14 Pennsylvania Consolidated Statutes is amended to read:
15 § 102. Definitions.
16 Subject to additional definitions contained in subsequent
17 provisions of this title which are applicable to specific
18 provisions of this title, the following words and phrases when
19 used in this title shall have, unless the context clearly
20 indicates otherwise, the meanings given to them in this section:
21 * * *
22 "Interactive wireless communications device." A wireless
23 telephone, personal digital assistant, smart phone, portable or
24 mobile computer or similar device which can be used for voice
25 communication, texting, e-mailing, browsing the Internet or
26 instant messaging. The term does not include any of the
27 following:
28 (1) a device being used exclusively as a global
29 positioning or navigation system;
30 (2) a system or device that is physically or
31 electronically integrated into the vehicle; [or]
32 (3) a communications device that is affixed to a mass
33 transit vehicle, bus or school bus[.]; or
34 (4) a hand-held radio being used by a person with an

amateur radio station license issued by the Federal Communications Commission.

* * *

Section 2. Section 1535(a) of Title 75 is amended to read:

Amend Bill, page 2, by inserting between lines 3 and 4

| | | |
|------|---|----------|
| 1622 | <u>Violation of hand-held mobile telephone.</u> | <u>2</u> |
|------|---|----------|

Amend Bill, page 2, lines 22 through 24, by striking out all of said lines and inserting

3310 Following too closely. 3

3317 Prohibiting use of interactive
wireless communications
devices. 2

Amend Bill, page 4, line 20, by striking out "2" and inserting

3

Amend Bill, page 4, line 20, by striking out "a section" and inserting

sections

Amend Bill, page 4, line 21, by striking out "calls on hand-
held mobile telephones." and inserting
use of interactive wireless communications devices.

Amend Bill, page 4, lines 25 and 26, by striking out "a hand-held mobile telephone to engage in a call" and inserting an interactive wireless communications device

Amend Bill, page 4, lines 28 and 29, by striking out "hand-held mobile telephone" and inserting

interactive wireless communications device

Amend Bill, page 5, lines 2 through 14, by striking out all of said lines and inserting

(b) Presumption.--An operator of a motor vehicle who holds an interactive wireless communications device while the motor vehicle is in motion is presumed to be using an interactive wireless communications device within the meaning of this section.

1 Amend Bill, page 5, line 16, by striking out "a hand-held
2 mobile telephone" and inserting

3 an interactive wireless communications device

4 Amend Bill, page 5, line 20, by striking out "or"

5 Amend Bill, page 5, line 21, by striking out the period after
6 "department" and inserting

7 ; or

8 (iii) a public safety answering point, as defined in
9 35 Pa.C.S. § 5302 (relating to definitions).

10 Amend Bill, page 5, lines 22 through 30; page 6, lines 1
11 through 3; by striking out all of lines 22 through 30 on page 5,
12 all of lines 1 and 2 and "(4)" in line 3 on page 6 and inserting
13 (2)

14 Amend Bill, page 6, line 3, by striking out "mobile
15 telephone." and inserting

16 interactive wireless communications device, except as
17 prohibited under subsection (a)(2).

18 Amend Bill, page 6, lines 12 through 17, by striking out all
19 of said lines

20 Amend Bill, page 6, line 19, by striking out "a mobile
21 telephone" and inserting

22 an interactive wireless communications device

23 Amend Bill, page 6, line 23, by striking out "mobile
24 telephone." A hand-held mobile telephone" and inserting

25 interactive wireless communications device." A hand-held
26 interactive wireless communications device

27 Amend Bill, page 6, line 26, by striking out "mobile
28 telephone" and inserting

29 interactive wireless communications device

30 Amend Bill, page 6, line 30; page 7, lines 1 through 8; by
31 striking out all of said lines on said pages and inserting

1 § 3318. Driver Distraction Awareness Fund.

2 (a) Fund established.--The Driver Distraction Awareness Fund
3 is established in the Motor License Fund as a special restricted
4 receipts account. The fund shall consist of deposits from the
5 following sources:

6 (1) One-half of the fine assessed under section 3317(d)
7 (relating to prohibiting use of interactive wireless
8 communications devices).

9 (2) All of the fine assessed under section 3714(e)
10 (relating to careless driving).

11 (3) Federal funds granted for careless driving
12 prevention.

13 (4) Money donated to the fund.

14 (b) Use of fund.--The fund shall be used solely for the
15 purpose of the educational program established in subsection
16 (c). Money in the fund is appropriated to the department for the
17 purposes of this section.

18 (c) Educational program.--The department shall establish an
19 educational program to begin immediately to alert the public to
20 the requirements and penalties under sections 3317 and 3714(e).
21 The program shall also encourage motorists to eliminate
22 distractions in the vehicle as a means of reducing the risk of
23 harm to themselves and others.

24 (d) Definition.--As used in this section, the term "fund"
25 means the Driver Distraction Awareness Fund.

26 Section 4. Section 3714 of Title 75 is amended by adding
27 subsections to read:

28 § 3714. Careless driving.

29 * * *

30 (e) Additional fine for distracted driver.--

31 (1) A person who violates any provision of this section
32 and at the time of the violation is distracted by any task or
33 item, including, but not limited to, any of the following,
34 shall, in addition to any other penalty imposed, be sentenced
35 to pay a fine of \$25:

36 (i) An interactive wireless communications device.

37 (ii) An electronic, electrical or mechanical device.

38 (iii) A personal grooming device.

39 (iv) Food.

40 (v) Drink.

41 (vi) Printed material.

42 (2) The provisions of this subsection shall not apply to
43 any person unless the person is convicted under subsection
44 (a), (b) or (c) for a violation that occurred at the same
45 time. No costs as described under 42 Pa.C.S. § 1725.1
46 (relating to costs) may be imposed on account of an increased
47 fine under this subsection. Application of this subsection
48 does not constitute a moving violation.

49 (3) Notwithstanding any other provision of law to the
50 contrary, fines collected under this subsection shall be paid
51 to the Commonwealth for deposit into the Driver Distraction

1 Awareness Fund.
2 (f) Report.--The department shall submit to the General
3 Assembly a report on the effects of subsection (e) no later than
4 one year after the effective date of this subsection.
5 (g) Definition.--As used in this section, the term
6 "distracted" means having a person's attention diverted from
7 operating a vehicle.

8 Amend Bill, page 7, line 9, by striking out "3" and inserting

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