

AMENDMENTS TO HOUSE BILL NO. 37

Sponsor: REPRESENTATIVE HENNESSEY

Printer's No. 356

1 Amend Bill, page 1, line 4, by inserting after "general,"
2 repealing provisions relating to prohibiting text-based
3 communications,

4 Amend Bill, page 3, by inserting between lines 17 and 18

5 Section 3. Section 3316 of Title 75 is repealed:

6 [§ 3316. Prohibiting text-based communications.

7 (a) Prohibition.--No driver shall operate a motor vehicle on
8 a highway or trafficway in this Commonwealth while using an
9 interactive wireless communications device to send, read or
10 write a text-based communication while the vehicle is in motion.
11 A person does not send, read or write a text-based communication
12 when the person reads, selects or enters a telephone number or
13 name in an interactive wireless communications device for the
14 purpose of activating or deactivating a voice communication or a
15 telephone call.

16 (b) (Reserved).

17 (c) Seizure.--The provisions of this section shall not be
18 construed as authorizing the seizure or forfeiture of an
19 interactive wireless communications device, unless otherwise
20 provided by law.

21 (d) Penalty.--A person who violates subsection (a) commits a
22 summary offense and shall, upon conviction, be sentenced to pay
23 a fine of \$50.

24 (e) Preemption of local ordinances.--In accordance with
25 section 6101 (relating to applicability and uniformity of
26 title), this section supersedes and preempts all ordinances of
27 any municipality with regard to the use of an interactive
28 wireless communications device by the driver of a motor vehicle.

29 (f) Definition.--As used in this section, the term "text-
30 based communication" means a text message, instant message,
31 electronic mail or other written communication composed or
32 received on an interactive wireless communications device.]

33 Amend Bill, page 3, line 18, by striking out "3" and

34 inserting

35 4

1 Amend Bill, page 4, line 1, by striking out the period after
2 "off" and inserting

3 or to enable the function of a hands-free interactive
4 wireless communications device that allows the user to engage
5 in a call without the use of either hand.

6 Amend Bill, page 4, line 4, by inserting after "accessory,"
7 or operate a hands-free wireless communications device

8 Amend Bill, page 4, line 20, by inserting after "(a) (2)"
9 and (3)

10 Amend Bill, page 4, line 22, by inserting after "device"
11 , including by a person under 18 years of age,

12 Amend Bill, page 5, lines 18 and 19, by striking out "into
13 the Distracted Driver" in line 18 and all of line 19 and
14 inserting

15 as follows:

16 (A) The first \$5,000,000 collected within any
17 fiscal year shall be deposited into the Distracted
18 Driver Awareness Fund.

19 (B) After the deposit in clause (A) is made, the
20 remaining amount shall be deposited into the
21 Multimodal Transportation Fund to be used exclusively
22 for the purposes of 74 Pa.C.S. § 2104(a) (4) (relating
23 to use of money in fund).

24 Amend Bill, page 5, by inserting between lines 28 and 29

25 (e) Seizure.--The provisions of this section shall not be
26 construed as authorizing the seizure or forfeiture of an
27 interactive wireless communications device or hands-free
28 interactive wireless communications device, unless otherwise
29 provided by law.

30 (f) Preemption of local ordinances.--In accordance with
31 section 6101 (relating to applicability and uniformity of
32 title), this section supersedes and preempts all ordinances of
33 any municipality with regard to the use of an interactive
34 wireless communications device or hands-free interactive
35 wireless communications device by the driver of a motor vehicle.

36 Amend Bill, page 5, line 29, by striking out "(e)" and
37 inserting

38 (g)

39 Amend Bill, page 6, line 14, by striking out "telephone" and

1 inserting

2 interactive wireless communications device

3 Amend Bill, page 7, by inserting between lines 13 and 14

4 (d) Unused money.--Any money in the fund which is
5 unexpended, uncommitted and unencumbered at the end of a fiscal
6 year shall be transferred to the Multimodal Transportation Fund
7 for the purposes of 74 Pa.C.S. § 2104(a)(4) (relating to use of
8 money in fund).

9 Amend Bill, page 7, line 14, by striking out "(d)" and

10 inserting

11 (e)

12 Amend Bill, page 7, line 18, by striking out "(e)" and

13 inserting

14 (f)

15 Amend Bill, page 7, line 20, by striking out "4" and

16 inserting

17 5

18 Amend Bill, page 8, line 1, by inserting a bracket before

19 "3316"

20 Amend Bill, page 8, line 2, by inserting a bracket after

21 "communications),"

22 Amend Bill, page 8, line 14, by inserting a bracket before

23 "3316,"

24 Amend Bill, page 8, line 14, by inserting a bracket after

25 "3316,"

26 Amend Bill, page 8, line 23, by inserting a bracket before

27 "3316"

28 Amend Bill, page 8, line 24, by inserting a bracket after

29 "communications),"

30 Amend Bill, page 9, line 6, by inserting a bracket before

1 "3316,"

2 Amend Bill, page 9, line 6, by inserting a bracket after

3 "3316,"

4 Amend Bill, page 9, line 7, by striking out "5" and inserting

5 6