

AMENDMENTS TO HOUSE BILL NO. 37

Sponsor: REPRESENTATIVE BROWN

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1 Amend Bill, page 1, line 4, by inserting after "permits"
2 and for examination of applicant for driver's license

3 Amend Bill, page 1, line 7, by striking out the comma after
4 "devices" and inserting
5 and

6 Amend Bill, page 1, lines 7 and 8, by striking out "and
7 establishing the Distracted Driver Awareness Fund"

8 Amend Bill, page 2, line 4, by inserting a bracket before
9 ""Interactive"

10 Amend Bill, page 2, line 13, by striking out the bracket
11 before the semicolon after "vehicle"

12 Amend Bill, page 2, lines 13 through 15, by striking out "],
13 other than" in line 13 and all of lines 14 and 15

14 Amend Bill, page 2, line 17, by striking out the bracket
15 before the period after "bus"

16 Amend Bill, page 2, lines 17 through 20, by striking out ";
17 or" in line 17 and all of lines 18 through 20

18 Amend Bill, page 3, by inserting between lines 18 and 19

19 Section 2.1. Section 1508 of Title 75 is amended by adding a
20 subsection to read:

21 § 1508. Examination of applicant for driver's license.

22 * * *

23 (c.1) Distracted driving information.--The traffic laws
24 examination shall contain at least one question relating to the

driver's ability to understand the effects of distracted driving on highway safety or the provisions of section 3318 (relating to prohibiting use of interactive wireless communications devices). The driver's manual shall include a section relating to distracted driving, along with related penalties.

* * *

Amend Bill, page 4, lines 17 through 30; pages 5 through 8, lines 1 through 30; page 9, lines 1 through 16; by striking out all of said lines on said pages and inserting

Section 4. Title 75 is amended by adding a section to read:
§ 3318. Prohibiting use of interactive wireless communication devices.

(a) Prohibitions.--Except as provided under subsection (b):

(1) A driver 18 years of age or older may not use an interactive wireless communications device while operating a motor vehicle on a highway or trafficway.

(2) A driver under 18 years of age may not control an interactive wireless communications device while operating a motor vehicle on a highway or trafficway.

(b) Exceptions.--

(1) A driver 18 years of age or older may use an interactive wireless communications device while operating a motor vehicle on a highway or trafficway if necessary to communicate with a law enforcement official or other emergency service.

(2) A driver under 18 years of age may control an interactive wireless communications device while operating a motor vehicle on a highway or trafficway when:

(i) necessary to communicate with a law enforcement official or other emergency service;

(ii) the interactive wireless communications device is affixed to the motor vehicle not in violation of section 4524 (relating to windshield obstructions and wipers) and is being used exclusively as a global positioning or navigation system; or

(iii) the motor vehicle is stopped outside of a roadway.

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

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

(e) Penalty.--A person who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay

1 a fine of \$150. No costs or surcharges imposed under section
2 6506 (relating to surcharge) or 42 Pa.C.S. § 1725.1 (relating to
3 costs) shall be assessed or imposed upon a conviction under this
4 section.

5 (f) Deposit of fines.--Notwithstanding any other provision
6 of law, including 42 Pa.C.S. § 3733 (relating to deposits into
7 account), a fine assessed under subsection (e) shall be
8 deposited as follows:

9 (1) When prosecution under this section is the result of
10 Pennsylvania State Police action, the fine shall be deposited
11 in the Motor License Fund.

12 (2) When prosecution under this section is the result of
13 local police action, \$12.50 of the penalty shall be payable
14 to the municipal corporation under which the local police are
15 organized, and the remaining amount of the fine shall be
16 deposited in the Motor License Fund.

17 (g) Official traffic-control device.--The department shall
18 strategically install official traffic-control devices to alert
19 motorists of the prohibition under subsection (a) along highways
20 determined by the department to be high-volume, main entryways
21 to this Commonwealth. The official traffic-control devices shall
22 be installed and maintained for a period no less than five years
23 after the effective date of this section.

24 (h) Construction.--Nothing in this section shall be
25 construed to make lawful any activity by a driver of a
26 commercial motor vehicle or motor carrier vehicle prohibited
27 under section 1621 (relating to texting while driving) or 1622
28 (relating to handheld mobile telephone).

29 (i) Definitions.--As used in this section, the following
30 words and phrases shall have the meanings given to them in this
31 subsection unless the context clearly indicates otherwise:

32 "Control an interactive wireless communications device."
33 Operating the functions of an interactive wireless
34 communications device, regardless of whether the individual
35 physically grasps, supports or touches the interactive wireless
36 communications device.

37 "Interactive wireless communications device." A wireless
38 telephone, personal digital assistant, smart phone, portable or
39 mobile computer or similar device that can be used for voice
40 communication, texting, e-mailing, browsing the Internet,
41 instant messaging, playing games, taking or transmitting images
42 or otherwise sending or receiving electronic data. The term does
43 not include any of the following:

44 (1) a device that functions exclusively as a global
45 positioning or navigation system;

46 (2) a system or device that is physically or
47 electronically integrated into a vehicle, unless connected to
48 a vehicle solely for the purpose of charging the system or
49 device;

50 (3) a communications device that is affixed to a mass
51 transit vehicle, bus or school bus; or

1 (4) a two-way or citizens band radio affixed to a
2 commercial motor vehicle or motor carrier vehicle.
3 "Smartwatch." A wearable digital wristwatch with the ability
4 to connect wirelessly to an interactive wireless communications
5 device and control one or more functions or applications of the
6 interactive wireless communications device.
7 "Text-based communication." A text message, instant message,
8 electronic mail or other written communications composed or
9 received on an interactive wireless communications device.
10 "Use an interactive wireless communications device." As
11 follows:
12 (1) To grasp an interactive wireless communications
13 device with one or both hands.
14 (2) To support an interactive wireless communications
15 device with any part of the body, other than wearing an
16 interactive wireless communications device that is a
17 smartwatch.
18 (3) To write, send or read any text-based communication
19 on an interactive wireless communications device.
20 (4) To watch a video or movie on an interactive wireless
21 communications device.
22 (5) To record or broadcast a video or picture on an
23 interactive wireless communications device.
24 "Write, send or read any text-based communication." The term
25 shall not include selecting or entering a telephone number or
26 name in an interactive wireless communications device for the
27 purpose of activating or deactivating a voice communication or a
28 telephone call.

29 Amend Bill, page 9, line 18, by striking out ", amended
30 October 24, 2018 (P.L.925, No.153),"