

## AMENDMENTS TO SENATE BILL NO. 37

Sponsor: SENATOR BROWN

Printer's No. 582

1 Amend Bill, page 1, line 4, by striking out "and" and  
2 inserting a comma

3 Amend Bill, page 1, line 5, by inserting after "license"  
4 and for schedule of convictions and points

5 Amend Bill, page 1, lines 7 and 8, by striking out "wireless  
6 communications devices" and inserting  
7 mobile device

8 Amend Bill, page 2, line 3, by inserting a bracket before  
9 "wireless" where it occurs the first time

10 Amend Bill, page 2, line 3, by inserting after  
11 "communications"

12 ] mobile

13 Amend Bill, page 2, line 14, by striking out the bracket  
14 before the semicolon after "vehicle"

15 Amend Bill, page 2, line 14, by inserting a bracket before  
16 "or"

17 Amend Bill, page 2, lines 14 and 15, by striking out ","  
18 except being" and inserting

19 (2.1) a device that is

20 Amend Bill, page 3, line 26, by inserting after "(iii)"  
21 printed, at the department's discretion, or

22 Amend Bill, page 4, lines 12 through 30; page 5, lines 1

1 through 20; by striking out all of said lines on said pages and  
2 inserting

3 Section 4. Sections 1535(a) and 3316 of Title 75 are amended  
4 to read:

5 § 1535. Schedule of convictions and points.

6 (a) General rule.--A point system for driver education and  
7 control is hereby established which is related to other  
8 provisions for use, suspension and revocation of the operating  
9 privilege as specified under this title. Every driver licensed  
10 in this Commonwealth who is convicted of any of the following  
11 offenses shall be assessed points as of the date of violation in  
12 accordance with the following schedule:

13	Section Number	Offense	Points
14	1512	Violation of restriction on	
15		driver's license.	2
16	1571	Violation concerning license.	3
17	3102	Failure to obey policeman or	
18		authorized person.	2
19	3111.1	Obedience to traffic-control	
20		devices warning of hazardous	
21		conditions.	2
22	3112(a)(3)(i)	Failure to stop for a red	
23	or (ii)	light.	3
24	3114(a)(1)	Failure to stop for a flashing	
25		red light.	3
26	3302	Failure to yield half of	
27		roadway to oncoming vehicle.	3
28	3303	Improper passing.	3
29	3304	Other improper passing.	3
30	3305	Other improper passing.	3
31	3306(a)(1)	Other improper passing.	4
32	3306(a)(2)	Other improper passing.	3
33	3306(a)(3)	Other improper passing.	3
34	3307	Other improper passing.	3
35	3310	Following too closely.	3
36	<u>3316(d)(3)</u>	<u>Text-based communications</u>	<u>2</u>
37	<u>3316.1(d)(3)</u>	<u>Use of interactive mobile</u>	
38		<u>device</u>	<u>2</u>
39	3321	Failure to yield to driver on	
40		the right at intersection.	3
41	3322	Failure to yield to oncoming	
42		driver when making left turn.	3
43	3323(b)	Failure to stop for stop sign.	3
44	3323(c)	Failure to yield at yield	
45		sign.	3
46	3324	Failure to yield when entering	
47		or crossing roadway between	
48		intersections.	3
49	3327(a) or	Duty of driver in emergency	

1	(a.1)	response area and in relation	
2		to disabled vehicles.	2
3	3332	Improper turning around.	3
4	3341(a)	Failure to obey signal	
5		indicating approach of train.	2
6	3341(b)	Failure to comply with	
7		crossing gate or barrier.	4
8		(and 30 days' suspension)	
9	3342(b) or (e)	Failure to stop at railroad	
10		crossings.	4
11	3344	Failure to stop when entering	
12		from alley, driveway or	
13		building.	3
14	3345(a)	Failure to stop for school bus	
15		with flashing red lights.	5
16		(and 60 days' suspension)	
17	3361	Driving too fast for	
18		conditions.	2
19	3362	Exceeding maximum speed.--Over	
20		Limit:	
21		6-10	2
22		11-15	3
23		16-25	4
24		26-30	5
25		31-over	5
26		(and departmental hearing	
27		and sanctions provided	
28		under section 1538(d))	
29	3365(b)	Exceeding special speed limit	
30		in school zone.	3
31		(and 60 days' suspension	
32		for a second or subsequent	
33		offense)	
34	3365(c)	Exceeding special speed limit	
35		for trucks on downgrades.	3
36	3542(a)	Failure to yield to pedestrian	
37		in crosswalk.	2
38	3547	Failure to yield to pedestrian	
39		on sidewalk.	3
40	3549(a)	Failure to yield to blind	
41		pedestrian.	3
42	3702	Improper backing.	3
43	3714(a)	Careless driving.	3
44	3745	Leaving scene of accident	
45		involving property damage	
46		only.	4
47	* * *		
48	§ 3316.	Prohibiting text-based communications.	
49	(a)	Prohibition.--[No driver shall operate a motor vehicle	
50		on a highway or trafficway in this Commonwealth while using an	
51		interactive wireless communications device to send, read or	

1 write a text-based communication while the vehicle is in motion.  
2 A person does not send, read or write a text-based communication  
3 when the person reads, selects or enters a telephone number or  
4 name in an interactive wireless communications device for the  
5 purpose of activating or deactivating a voice communication or a  
6 telephone call.

7 (b) (Reserved).

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

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

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

20 (f) Definition.--As used in this section, the term "text-  
21 based communication" means a text message, instant message,  
22 electronic mail or other written communication composed or  
23 received on an interactive wireless communications device.]  
24 Except as provided in subsection (c), a driver may not engage in  
25 texting while driving a motor vehicle.

26 (b) Employer.--Except as provided under subsection (c), an  
27 employer may not permit or require a driver of the employer to  
28 engage in texting while driving a motor vehicle.

29 (c) Emergency use exception.--Texting while driving shall be  
30 permissible by a driver of a motor vehicle if necessary to  
31 communicate with a law enforcement official or other emergency  
32 services to prevent injury to persons or property.

33 (d) Penalties.--Except as provided for in subsection (e), a  
34 person who violates this section commits a summary offense. The  
35 following shall apply:

36 (1) For a first conviction with no conviction of and no  
37 plea of no contest accepted to a charge of violating this  
38 section within the previous 60-month period, as measured from  
39 the dates any previous convictions were obtained or pleas of  
40 no contest were accepted to the date the current conviction  
41 is obtained or plea of no contest is accepted, a fine of not  
42 more than \$150 shall be imposed.

43 (2) For a second conviction within a 60-month period of  
44 time, as measured from the dates any previous convictions  
45 were obtained or pleas of no contest were accepted to the  
46 date the current conviction is obtained or plea of no contest  
47 is accepted, a fine of not more than \$250.

48 (3) For a third or subsequent conviction within a 60-  
49 month period of time, as measured from the dates any previous  
50 convictions were obtained or pleas of no contest were  
51 accepted to the date the current conviction is obtained or

1 plea of no contest is accepted, a fine of not more than \$500,  
2 two points and suspension of the offender's driver's license  
3 for a period of 60 days shall be imposed.

4 (e) Warning period.--For the first 12 months after the  
5 effective date of this subsection, a driver who violates  
6 subsection (a) may only be issued a written warning for a  
7 violation.

8 (f) Law enforcement education.--The department, in  
9 consultation with the Pennsylvania State Police, shall develop  
10 and electronically distribute education materials for law  
11 enforcement on how to effectively detect distracted drivers,  
12 regardless of age, sex, race or ethnicity, who violate this  
13 section.

14 (g) Prohibition on similar citations.--A person may not be  
15 charged with a violation of section 3316.1 (relating to  
16 prohibiting use of interactive mobile device) concurrently with  
17 a violation of subsection (a) for an offense committed at the  
18 same time and place.

19 (h) Definitions.--As used in this section, the following  
20 words and phrases shall have the meanings given to them in this  
21 subsection unless the context clearly indicates otherwise:

22 "Driving." Operating a motor vehicle on a highway, including  
23 while the motor vehicle is temporarily stationary because of  
24 traffic, a traffic control device or other momentary delay. The  
25 term does not include operating a motor vehicle if the driver  
26 moved the vehicle to the side of or off of a highway and halted  
27 in a location where the vehicle can safely remain stationary.

28 "Electronic device." The term includes, but is not limited  
29 to, a cellular telephone, personal digital assistant, pager,  
30 computer or any other device used to input, write, send, receive  
31 or read text or images.

32 "Texting." Manually entering alphanumeric text into or  
33 reading text from an electronic device. The following shall  
34 apply:

35 (1) The term includes, but is not limited to, short  
36 message service, emailing, instant messaging, a command or  
37 request to access an Internet web page, pressing more than a  
38 single button to initiate or terminate a voice communication  
39 using a mobile telephone or engaging in any other form of  
40 electronic text retrieval or entry, for present or future  
41 communication.

42 (2) The term does not include:

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

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

47 (iii) Using a device capable of performing multiple  
48 functions, including fleet management systems,  
49 dispatching devices, citizens band radios and music  
50 players, for a purpose that is not prohibited by this  
51 section.

1 Amend Bill, page 5, lines 22 and 23, by striking out

2 "wireless communications devices" and inserting

3 mobile device

4 Amend Bill, page 5, lines 24 through 30; page 6, lines 1

5 through 7; by striking out all of said lines on said pages and

6 inserting

7 (a) Motor vehicle.--Except as provided under subsection (c),  
8 a driver may not use an interactive mobile device while driving  
9 a motor vehicle.

10 (b) Employer.--Except as provided under subsection (c), an  
11 employer may not permit or require a driver of the employer to  
12 use an interactive mobile device while driving a motor vehicle.

13 (c) Emergency use exception.--Using an interactive mobile  
14 device shall be permissible by a driver of a motor vehicle if  
15 necessary to communicate with a law enforcement official or  
16 other emergency services to prevent injury to persons or  
17 property.

18 (d) Penalties.--Except as provided for in subsection (g), a  
19 person who violates this section commits a summary offense. The  
20 following shall apply:

21 Amend Bill, page 6, line 8, by striking out all of said line

22 and inserting

23 (1) For a first conviction with no conviction of and

24 Amend Bill, page 6, line 10, by striking out "24-month" and

25 inserting

26 60-month

27 Amend Bill, page 6, line 16, by striking out all of said line

28 and inserting

29 (2) For a second conviction within a 60-month

30 Amend Bill, page 6, line 21, by striking out "and two points

31 shall be imposed"

32 Amend Bill, page 6, lines 22 and 23, by striking out all of

33 line 22 and "24-month" in line 23 and inserting

34 (3) For a third or subsequent conviction within a 60-  
35 month

36 Amend Bill, page 6, line 27, by striking out "three" and

1 inserting

2 two

3 Amend Bill, page 6, lines 27 and 28, by striking out "at  
4 the court's discretion,"

5 Amend Bill, page 6, line 30; page 7, lines 1 through 30; page  
6 8, lines 1 through 5; by striking out all of line 30 on page 6,  
7 all of lines 1 through 30 on page 7, all of lines 1 through 4  
8 and "(d)" in line 5 on page 8 and inserting

9 (e)

10 Amend Bill, page 8, lines 8 and 9, by striking out  
11 "interactive wireless communications device" and inserting

12 interactive mobile device

13 Amend Bill, page 8, line 10, by striking out "(e)" and  
14 inserting

15 (f)

16 Amend Bill, page 8, line 16, by striking out "(f)" and  
17 inserting

18 (g)

19 Amend Bill, page 8, line 16, by striking out "six" and  
20 inserting

21 12

22 Amend Bill, page 8, line 20, by striking out "(g)" and  
23 inserting

24 (h)

25 Amend Bill, page 8, line 20, by striking out "No person may"  
26 and inserting

27 A person may not

28 Amend Bill, page 8, lines 25 through 30; page 9, lines 1  
29 through 20; by striking out all of said lines on said pages and  
30 inserting

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

4 "Driving." Operating a motor vehicle on a highway, including  
5 while the motor vehicle is temporarily stationary because of  
6 traffic, a traffic control device or other momentary delay. The  
7 term does not include operating a motor vehicle if the driver  
8 moved the vehicle to the side of or off of a highway and halted  
9 in a location where the vehicle can safely remain stationary.

10 "Use an interactive mobile device." As follows:

11 (1) Using at least one hand to hold, or supporting with  
12 another part of the body, an interactive mobile device to  
13 conduct a voice communication.

14 (2) Dialing or answering an interactive mobile device by  
15 pressing more than a single button.

16 (3) Reaching for an interactive mobile device in a  
17 manner that requires a driver to maneuver so that the driver  
18 is no longer in a seated driving position, restrained by a  
19 seat belt that is installed in accordance with 49 CFR 393.93  
20 (relating to seats, seat belt assemblies, and seat belt  
21 assembly anchorages) and adjusted in accordance with the  
22 vehicle manufacturer's instructions.

23 Amend Bill, page 10, lines 3 and 4, by striking out "wireless  
24 communications devices" and inserting

25 mobile device

26 Amend Bill, page 10, lines 26 and 27, by striking out

27 "wireless communications devices" and inserting

28 mobile device

29 Amend Bill, page 11, line 9, by striking out "180 days" and  
30 inserting

31 12 months