

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2674 Session of
2008

INTRODUCED BY MARKOSEK, GEIST, BEAR, BRENNAN, COSTA, DONATUCCI,
GODSHALL, HARPER, KORTZ, MANN, MARSHALL, McCALL, McGEEHAN,
MENSCH, R. MILLER, MOYER, MUSTIO, PASHINSKI, READSHAW,
RUBLEY, SCAVELLO, SHAPIRO, SIPTROTH, K. SMITH, SWANGER,
WATSON, WOJNAROSKI AND YOUNGBLOOD, JUNE 26, 2008

REFERRED TO COMMITTEE ON TRANSPORTATION, JUNE 26, 2008

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, defining "interactive wireless communications
3 device"; further providing for junior driver's license, for
4 learners' permits and for suspension of operating privilege;
5 prohibiting interactive wireless communications devices; and
6 further providing for accident report forms, for department
7 to compile, tabulate and analyze accident reports, for
8 television equipment and for restraint systems.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

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

13 § 102. Definitions.

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

19 * * *

1 "Interactive wireless communications device." Any wireless
2 electronic communications device that provides for voice or data
3 communication between two or more parties, including, but not
4 limited to, a mobile or cellular telephone, a text messaging
5 device, a personal digital assistant that sends or receives
6 messages or a laptop computer.

7 * * *

8 Section 2. Sections 1503(c), 1505(e) and 1538(e) of Title 75
9 are amended to read:

10 § 1503. Persons ineligible for licensing; license issuance to
11 minors; junior driver's license.

12 * * *

13 (c) Junior driver's license.--The department may issue a
14 junior driver's license to a person 16 or 17 years of age under
15 rules and regulations adopted by the department and subject to
16 the provisions of this section. A junior driver's license shall
17 automatically become a regular driver's license when the junior
18 driver attains 18 years of age.

19 (1) Except as provided in paragraph (2), no licensed
20 junior driver shall drive a vehicle upon a public highway
21 between 11 p.m. and 5 a.m. unless accompanied by a spouse 18
22 years of age or older, a parent or a person in loco parentis.

23 (2) A licensed junior driver conforming to the
24 requirements of section 1507 (relating to application for
25 driver's license or learner's permit by minor) may drive a
26 vehicle upon a public highway between 11 p.m. and 5 a.m.
27 between the junior driver's home and activity or employment
28 or in the course of the junior driver's activity or
29 employment if the junior driver is a member of a volunteer
30 fire company authorized by the fire chief to engage in

1 fighting fires, is engaged in public or charitable service or
2 is employed and is carrying an affidavit or certificate of
3 authorization signed by the junior driver's fire chief,
4 supervisor or employer indicating the probable schedule of
5 the junior driver's activities. Upon termination of the
6 junior driver's activity or employment, the junior driver
7 shall surrender the affidavit or certificate to the fire
8 chief, supervisor or employer. If the junior driver shall
9 fail to surrender the affidavit or certificate, the employer,
10 fire chief or supervisor shall immediately notify the
11 Pennsylvania State Police.

12 (2.1) Except as set forth in paragraph (2.2), a junior
13 driver may not drive a vehicle with more than one passenger
14 under 18 years of age.

15 (2.2) With parental or in loco parentis approval, a
16 junior driver may drive a vehicle with passengers who are
17 siblings or relatives who live in the same dwelling as the
18 junior driver.

19 (3) In addition to the other provisions of this title
20 relating to the suspension or revocation of operating
21 privileges, in the event that a licensed junior driver is
22 involved in an accident reportable under section 3746(a) for
23 which the junior driver is partially or fully responsible in
24 the opinion of the department or is convicted of any
25 violation of this title, the department may suspend the
26 operating privileges of the junior driver until the junior
27 driver attains 18 years of age or for a period of time not
28 exceeding 90 days.

29 (4) Any junior driver or other person violating any
30 provision of this subsection is guilty of a summary offense.

1 § 1505. Learners' permits.

2 * * *

3 (e) Authorization to test for driver's license and junior
4 driver's license.--A person with a learner's permit is
5 authorized to take the examination for a regular or junior
6 driver's license for the class of vehicle for which a permit is
7 held. Before a person under the age of 18 years may take the
8 examination for a junior driver's license, the minor must:

9 (1) Have held a learner's permit for that class of
10 vehicle for a period of six months.

11 (2) Present to the department a certification form
12 signed by the father, mother, guardian, person in loco
13 parentis or spouse of a married minor stating that the minor
14 applicant has completed [50] 65 hours of practical driving
15 experience, including no less than ten hours of nighttime
16 driving and five hours of inclement weather driving,
17 accompanied as required under subsection (b). Submission of a
18 certification shall not subject the parent, guardian, person
19 in loco parentis or spouse of a married minor to any
20 liability based upon the certification.

21 (3) Have the certification form completed when the minor
22 is ready for the licensing examination. The certification
23 form shall be developed by the department and will be
24 provided by the department when the original application for
25 a learner's permit is processed. The department will make
26 this form readily available through the mail or electronic
27 means.

28 * * *

29 § 1538. School, examination or hearing on accumulation of
30 points or excessive speeding.

1 * * *

2 (e) Additional suspension of operating privilege.--

3 (1) In addition to any other provisions of law relating
4 to the suspension or revocation of operating privileges, a
5 person's operating privileges shall be suspended under any of
6 the following circumstances:

7 (i) Prior to reaching age 18, the person violates
8 section 3362 (relating to maximum speed limits) by
9 traveling 26 miles per hour or more over the posted speed
10 limit and the violation results in a conviction, guilty
11 plea or plea of no contest before or after the person
12 reaches age 18.

13 (ii) The person accumulates six or more points under
14 the provisions of section 1535 (relating to schedule of
15 convictions and points) and the violations resulting in
16 points accumulation were committed before the person
17 reached age 18.

18 (2) The first suspension under paragraph (1) shall be
19 for a period of 90 days with every subsequent suspension
20 under paragraph (1) to be for a period of 120 days.
21 Suspensions under paragraph (1) shall be imposed
22 consecutively to each other and to any other suspension. A
23 suspension under paragraph (1) shall be considered a
24 subsequent suspension even if it is imposed contemporaneously
25 with a first suspension imposed under paragraph (1). A
26 suspension under this paragraph shall be in lieu of a
27 suspension under subsection (d)(1).

28 Section 3. Title 75 is amended by adding a section to read:

29 § 3316. Prohibiting interactive wireless communications
30 devices.

1 (a) Drivers subject to restriction.--No driver with a
2 learners' permit or junior driver's license shall drive a motor
3 vehicle on a highway or trafficway in this Commonwealth while
4 using an interactive wireless communications device.

5 (b) Exceptions.--This section shall not apply to persons who
6 use an interactive wireless communications device to contact a
7 511 service or 911 system for the purpose of reporting an
8 accident or an emergency or obtaining directions.

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

13 (d) Penalty.--A person who violates subsection (a) commits a
14 summary offense and shall, upon conviction, be sentenced to pay
15 a fine of \$100.

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

19 "511" or "511 service." Three-digit telecommunications
20 dialing to access an intelligent transportation system traveler
21 information service provided in this Commonwealth in accordance
22 with the Federal Communications Commission and the United States
23 Department of Transportation.

24 "911." The number used by a public agency located in whole
25 or in part within this Commonwealth authorized by law to provide
26 emergency telephone service to access firefighting, law
27 enforcement, ambulance, emergency medical or other emergency
28 services.

29 Section 4. Section 3752(a) of Title 75 is amended to read:

30 § 3752. Accident report forms.

1 (a) Form and content.--The department shall prepare and upon
2 request supply to all law enforcement agencies and other
3 appropriate agencies or individuals, forms for written accident
4 reports as required in this subchapter suitable with respect to
5 the persons required to make the reports and the purposes to be
6 served. The written report forms shall call for sufficiently
7 detailed information to disclose with reference to a vehicle
8 accident the cause, conditions then existing and the persons and
9 vehicles involved[.], including whether the driver of the
10 vehicle was using an interactive wireless communications device
11 when the accident occurred, and such other information as the
12 department may require. Reports for use by the drivers and
13 owners shall also provide for information relating to financial
14 responsibility.

15 * * *

16 Section 5. Section 3753 of Title 75 is amended by adding a
17 subsection to read:

18 § 3753. Department to compile, tabulate and analyze accident
19 reports.

20 * * *

21 (b.1) Report on interactive wireless communications
22 devices.--The department shall annually compile and make
23 available to the public information submitted on an accident
24 report concerning interactive wireless communications devices in
25 motor vehicles involved in traffic accidents. The report shall
26 note whether the driver of the motor vehicle was using an
27 interactive wireless communications device when the accident
28 occurred. The data shall be included in a report submitted to
29 the Transportation Committee of the Senate and the
30 Transportation Committee of the House of Representatives.

1 * * *

2 Section 6. Sections 4527(a) and 4581(a) and (b) of Title 75
3 are amended to read:

4 § 4527. Television equipment.

5 (a) General rule.--No motor vehicle operated on a highway
6 shall be equipped with [television-type receiving] video
7 receiving equipment, including a receiver, a video monitor or a
8 television or video screen capable of displaying a television
9 broadcast or video signal that produces entertainment or
10 business applications or similar equipment forward of the back
11 of the driver's seat or otherwise visible to the driver.

12 * * *

13 § 4581. Restraint systems.

14 (a) Occupant protection.--

15 (1) Any person who is operating a passenger car, Class I
16 truck, Class II truck, classic motor vehicle, antique motor
17 vehicle or motor home and who transports a child under four
18 years of age anywhere in the motor vehicle, including the
19 cargo area, shall fasten such child securely in a child
20 passenger restraint system, as defined in subsection (d).
21 This subsection shall apply to all persons while they are
22 operators of motor vehicles where a seating position is
23 available which is equipped with a seat safety belt or other
24 means to secure the systems or where the seating position was
25 originally equipped with seat safety belts.

26 (1.1) Any person who is operating a passenger car, Class
27 I truck, Class II truck, classic motor vehicle, antique motor
28 vehicle or motor home and who transports a child four years
29 of age or older but under eight years of age anywhere in the
30 motor vehicle, including the cargo area, shall fasten such

1 child securely in a fastened safety seat belt system and in
2 an appropriately fitting child booster seat, as defined in
3 subsection (d). This paragraph shall apply to all persons
4 while they are operators of motor vehicles where a seating
5 position is available which is equipped with a seat safety
6 belt or other means to secure the systems or where the
7 seating position was originally equipped with seat safety
8 belts. [A conviction under this paragraph by State or local
9 law enforcement agencies shall occur only as a secondary
10 action when a driver of a motor vehicle has been convicted of
11 violating any other provision of this title.]

12 (2) [Except for children under eight years of age and
13 except as provided in paragraphs (1) and (1.1), each]

14 (i) The driver [and front seat occupant] of a
15 passenger car, Class I truck, Class II truck or motor
16 home operated in this Commonwealth shall [wear] secure or
17 cause to be secured in a properly adjusted and fastened
18 safety seat belt system the driver and every vehicle
19 occupant between eight years of age and 18 years of age.

20 [A conviction under this paragraph by State or local law
21 enforcement agencies shall occur only as a secondary
22 action when a driver of a motor vehicle has been
23 convicted of any other provision of this title. The
24 driver of a passenger automobile shall secure or cause to
25 be secured in a properly adjusted and fastened safety
26 seat belt system any occupant who is eight years of age
27 or older and less than 18 years of age.]

28 (ii) Except for children under 18 years of age and
29 except as provided in paragraphs (1) and (1.1) and
30 subparagraph (i), each driver and front seat occupant of

1 a passenger car, Class I truck, Class II truck, classic
2 motor vehicle, antique motor vehicle or motor home
3 operated in this Commonwealth shall wear a properly
4 adjusted and fastened safety seat belt system.

5 (iii) This paragraph shall not apply to:

6 [(i)] (A) A driver or front seat occupant of any
7 vehicle manufactured before July 1, 1966.

8 [(ii)] (B) A driver or front seat occupant who
9 possesses a written verification from a physician
10 that he is unable to wear a safety seat belt system
11 for physical or medical reasons, or from a
12 psychiatrist or other specialist qualified to make an
13 informed judgment that he is unable to wear a safety
14 seat belt system for psychological reasons.

15 [(iii)] (C) A rural letter carrier while
16 operating any motor vehicle during the performance of
17 his duties as a United States postal service rural
18 letter carrier only between the first and last
19 delivery points.

20 [(iv)] (D) A driver who makes frequent stops and
21 is traveling less than 15 miles per hour for the
22 purpose of delivering goods or services while in the
23 performance of his duties and only between the first
24 and last delivery points.

25 A violation of this paragraph shall not be subject to the
26 assessment of any points under section 1535 (relating to
27 schedule of convictions and points).

28 (3) A driver who is under 18 years of age may not
29 operate a motor vehicle in which the number of passengers
30 exceeds the number of available safety seat belts in the

1 vehicle.

2 (b) Offense.--Anyone who fails to comply with the provisions
3 of subsection (a)(1) or (1.1) shall be guilty of a summary
4 offense with a maximum fine of \$100. The court imposing and
5 collecting any such fines shall transfer the fines thus
6 collected to the State Treasurer for deposit in the Child
7 Passenger Restraint Fund, pursuant to section 4582 (relating to
8 Child Passenger Restraint Fund). Anyone who violates subsection
9 (a)(2) or (3) commits a summary offense and shall, upon
10 conviction, be sentenced to pay a fine of \$10. No person shall
11 be convicted of a violation of subsection [(a)(2)] (a)(2) or (3)
12 unless the person is also convicted of another violation of this
13 title which occurred at the same time. No costs as described in
14 42 Pa.C.S. § 1725.1 (relating to costs) shall be imposed for
15 summary conviction of subsection (a)(2) or (3). Conviction under
16 this subsection shall not constitute a moving violation.

17 * * *

18 Section 7. This act shall take effect in 60 days.