

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 67 Session of
2009

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JANUARY 26, 2009

SENATOR RAFFERTY, TRANSPORTATION, IN SENATE, AS AMENDED, JANUARY
27, 2010

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, FOR GENERAL REQUIREMENTS FOR OTHER ←
9 VEHICLES TRANSPORTING SCHOOL CHILDREN AND for restraint
10 systems, ~~for the offense of careless driving, for~~ ←
11 ~~applicability and uniformity of law and for disposition and~~
12 ~~use of liquid fuels and fuels tax.~~

13 The General Assembly of the Commonwealth of Pennsylvania
14 declares that the part of this act that limits the number of
15 passengers a junior driver may transport in a motor vehicle at
16 one time may be referred to as Lacey's Law in honor of Lacey
17 Gallagher.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. Section 102 of Title 75 of the Pennsylvania

1 Consolidated Statutes is amended by adding a definition to read:

2 § 102. Definitions.

3 Subject to additional definitions contained in subsequent
4 provisions of this title which are applicable to specific
5 provisions of this title, the following words and phrases when
6 used in this title shall have, unless the context clearly
7 indicates otherwise, the meanings given to them in this section:

8 * * *

9 "Interactive wireless communications device." Any wireless
10 electronic communications device that provides for voice or data
11 communication between two or more parties, including, but not
12 limited to, a mobile or cellular telephone, a text messaging
13 device, a personal digital assistant that sends or receives
14 messages or a laptop computer. The term does not include:

15 (1) an amateur radio;

16 (2) a citizens band radio;

17 (3) a two-way radio communication device; or

18 (4) a communication device that is affixed to a mass
19 transit vehicle, bus or school bus.

20 * * *

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

23 § 1503. Persons ineligible for licensing; license issuance to
24 minors; junior driver's license.

25 * * *

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

1 driver attains 18 years of age.

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

6 (2) A licensed junior driver conforming to the
7 requirements of section 1507 (relating to application for
8 driver's license or learner's permit by minor) may drive a
9 vehicle upon a public highway between 11 p.m. and 5 a.m.
10 between the junior driver's home and activity or employment
11 or in the course of the junior driver's activity or
12 employment if the junior driver is a member of a volunteer
13 fire company authorized by the fire chief to engage in
14 fighting fires, is engaged in public or charitable service or
15 is employed and is carrying an affidavit or certificate of
16 authorization signed by the junior driver's fire chief,
17 supervisor or employer indicating the probable schedule of
18 the junior driver's activities. Upon termination of the
19 junior driver's activity or employment, the junior driver
20 shall surrender the affidavit or certificate to the fire
21 chief, supervisor or employer. If the junior driver shall
22 fail to surrender the affidavit or certificate, the employer,
23 fire chief or supervisor shall immediately notify the
24 Pennsylvania State Police.

25 (2.1) Except as set forth in paragraph (2.2), a junior
26 driver may not drive a vehicle with more than one passenger
27 under 18 years of age.

28 (2.2) With parental or in loco parentis approval, a
29 junior driver may drive a vehicle with passengers under 18
30 years of age who are siblings or relatives who live in the

1 same dwelling as the junior driver.

2 (3) In addition to the other provisions of this title
3 relating to the suspension or revocation of operating
4 privileges, in the event that a licensed junior driver is
5 involved in an accident reportable under section 3746(a) for
6 which the junior driver is partially or fully responsible in
7 the opinion of the department or is convicted of any
8 violation of this title, the department may suspend the
9 operating privileges of the junior driver until the junior
10 driver attains 18 years of age or for a period of time not
11 exceeding 90 days.

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

14 ~~§ 1505. Learners' permits.~~

15 ~~* * *~~

16 ~~(e) Authorization to test for driver's license and junior~~
17 ~~driver's license. A person with a learner's permit is~~
18 ~~authorized to take the examination for a regular or junior~~
19 ~~driver's license for the class of vehicle for which a permit is~~
20 ~~held. Before a person under the age of 18 years may take the~~
21 ~~examination for a junior driver's license, the minor must:~~

22 ~~(1) Have held a learner's permit for that class of~~
23 ~~vehicle for a period of six months.~~

24 ~~(2) Present to the department a certification form~~
25 ~~signed by the father, mother, guardian, person in loco~~
26 ~~parentis or spouse of a married minor stating that the minor~~
27 ~~applicant has completed [50] 65 hours of practical driving~~
28 ~~experience, including no less than ten hours of nighttime~~
29 ~~driving and five hours of inclement weather driving,~~
30 ~~accompanied as required under subsection (b). Submission of a~~

1 ~~certification shall not subject the parent, guardian, person~~
2 ~~in loco parentis or spouse of a married minor to any~~
3 ~~liability based upon the certification.~~

4 ~~(3) Have the certification form completed when the minor~~
5 ~~is ready for the licensing examination. The certification~~
6 ~~form shall be developed by the department and will be~~
7 ~~provided by the department when the original application for~~
8 ~~a learner's permit is processed. The department will make~~
9 ~~this form readily available through the mail or electronic~~
10 ~~means.~~

11 ~~* * *~~

12 § 1538. School, examination or hearing on accumulation of
13 points or excessive speeding.

14 * * *

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

16 (1) In addition to any other provisions of law relating
17 to the suspension or revocation of operating privileges, a
18 person's operating privileges shall be suspended under any of
19 the following circumstances:

20 (i) Prior to reaching age 18, the person violates
21 section 3362 (relating to maximum speed limits) by
22 traveling 26 miles per hour or more over the posted speed
23 limit and the violation results in a conviction, guilty
24 plea or plea of no contest before or after the person
25 reaches age 18.

26 (ii) The person accumulates six or more points under
27 the provisions of section 1535 (relating to schedule of
28 convictions and points) and the violations resulting in
29 points accumulation were committed before the person
30 reached age 18.

1 (2) The first suspension under paragraph (1) shall be
2 for a period of 90 days with every subsequent suspension
3 under paragraph (1) to be for a period of 120 days.
4 Suspensions under paragraph (1) shall be imposed
5 consecutively to each other and to any other suspension. A
6 suspension under paragraph (1) shall be considered a
7 subsequent suspension even if it is imposed contemporaneously
8 with a first suspension imposed under paragraph (1). A
9 suspension under this paragraph shall be in lieu of a
10 suspension under subsection (d) (1).

11 Section 3. Title 75 is amended by adding a section to read:
12 § 3316. Prohibiting interactive wireless communications
13 devices.

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

18 (b) Exceptions.--This section shall not apply to:

19 (1) Persons who use an interactive wireless
20 communications device to contact a 511 service or 911 system.

21 (2) Emergency service personnel who are using an
22 interactive wireless communication device in the performance
23 of official duties.

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

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

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

4 "511" or "511 service." Three-digit telecommunications
5 dialing to access an intelligent transportation system traveler
6 information service provided in this Commonwealth in accordance
7 with the Federal Communications Commission and the United States
8 Department of Transportation.

9 "911." The number used by a public agency located in whole
10 or in part within this Commonwealth authorized by law to provide
11 emergency telephone service to access firefighting, law
12 enforcement, ambulance, emergency medical or other emergency
13 services.

14 Section 4. ~~Sections 3714 and SECTION 3752(a) of Title 75 are~~ ←
15 IS amended to read: ←

16 ~~§ 3714. Careless driving.~~ ←

17 ~~(a) General rule. Any person who drives a vehicle in~~
18 ~~careless disregard for the safety of persons or property is~~
19 ~~guilty of careless driving, a summary offense.~~

20 ~~(b) Unintentional death. If the person who violates this~~
21 ~~section unintentionally causes the death of another person as a~~
22 ~~result of the violation, the person shall, upon conviction, be~~
23 ~~sentenced to pay a fine of \$500.~~

24 ~~(c) Serious bodily injury. If the person who violates this~~
25 ~~section unintentionally causes the serious bodily injury of~~
26 ~~another person as a result of the violation, the person shall,~~
27 ~~upon conviction, be sentenced to pay a fine of \$250.~~

28 ~~(c.1) Increased fine for distracted driver. Upon conviction~~
29 ~~for a violation of this section where at the time of the~~
30 ~~violation the person made use of any device not associated with~~

~~the safe operation of the vehicle, including, but not limited to, the following:~~

- ~~(1) an interactive wireless communications device;~~
- ~~(2) an electronic, electrical or mechanical device;~~
- ~~(3) a personal grooming device;~~
- ~~(4) food;~~
- ~~(5) drink; and~~
- ~~(6) any printed material,~~

~~the fine imposed for the violation shall be increased by \$50.~~

~~(c.2) Effect of increase in fine. The fact that an increase in fine was imposed pursuant to subsection (c.1) shall not be:~~

~~(1) Admissible as evidence in any civil or criminal proceeding.~~

~~(2) Used in any manner whatsoever by an insurer to charge an insured a higher premium for a policy of insurance.~~

~~(c.3) Construction. Subsection (c.1) shall not be construed to impose any legal obligation upon any person to inform any driver or the public at large about the provisions of the subsection.~~

~~(d) [Definition. As used in this section, "serious bodily injury" means any] Definitions. As used in this section, the following words and phrases shall have the meanings given to them in this subsection:~~

~~"Distracted." Having a person's attention diverted from operating a vehicle by the use of any device, including, but not limited to, an electronic, electrical, mechanical or personal grooming device, food, drink, book or printed material.~~

~~"Serious bodily injury." Any bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function~~

1 ~~of any bodily member or organ.~~

2 § 3752. Accident report forms.

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

17 * * *

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

20 § 3753. Department to compile, tabulate and analyze accident
21 reports.

22 * * *

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

the Transportation Committee of the Senate and the
Transportation Committee of the House of Representatives.

* * *

Section 6. Sections ~~4527~~, 4527, 4553(B) AND 4581(a) and (b)
~~and 6101~~ of Title 75 are amended to read:

§ 4527. [Television] Video receiving equipment.

(a) General rule.--[No] Except as provided in subsection
(c), no person shall drive a motor vehicle [operated on a
highway shall be] equipped with [television-type] any image
display device, video receiving equipment, including a receiver,
a video monitor or a television or video screen capable of
displaying a television broadcast or video signal that produces
entertainment or business applications or similar equipment
which is located in the motor vehicle at any point forward of
the back of the driver's seat [or otherwise], or which is
visible, directly or indirectly, to the driver while operating
the motor vehicle.

(a.1) Except as provided in subsection (b), no person may
install in a motor vehicle an image display device intended to
be visible to a driver in the normal driving position when the
vehicle is in motion and when restrained by the safety seat belt
system adjusted in accordance with the manufacturer's
recommendations.

(b) Exception.--This section shall not apply to the
following:

(1) [Television-type receiving equipment] Image display
devices in a vehicle used exclusively for safety or law
enforcement purposes as approved by the Pennsylvania State
Police.

(2) [Electronic displays] Image display devices used in

conjunction with in-vehicle navigation systems, related
traffic, road and weather information.

(3) Image display devices that provide vehicle
information related to the driving task or to enhance or
supplement the driver's view forward, behind or to the sides
of the motor vehicle or permit the driver to monitor vehicle
occupants behind the driver.

(4) Image display devices that do not display images to
the driver while the vehicle is in motion.

(5) Image display devices which display an image while a
vehicle is parked.

(c) Definitions.--As used in this section, the term "image
display device" means equipment capable of displaying to the
driver of the motor vehicle:

(1) a broadcast television image; or

(2) a visual image, other than text, from a digital
video disc or other storage device.

§ 4553. GENERAL REQUIREMENTS FOR OTHER VEHICLES TRANSPORTING
SCHOOL CHILDREN.

* * *

(B) SCHOOL-CHARTERED BUS.--IN ADDITION TO SCHOOL BUSES,
SCHOOL-CHARTERED BUSES, WHICH ARE DESIGNED TO TRANSPORT 16 OR
MORE PASSENGERS, INCLUDING THE DRIVER, AND WHICH ARE OPERATED BY
A PERSON HOLDING A CERTIFICATE OF THE PENNSYLVANIA PUBLIC
UTILITY COMMISSION OR THE INTERSTATE COMMERCE COMMISSION, MAY BE
USED UNDER A SHORT-TERM CONTRACT WITH A SCHOOL WHICH HAS
ACQUIRED THE EXCLUSIVE USE OF THE VEHICLE AT A FIXED CHARGE TO
[PROVIDE TRANSPORTATION OF] TRANSPORT SCHOOL CHILDREN TO A
[SPECIAL] SCHOOL-RELATED EVENT, PROVIDED THAT THE VEHICLE IS NOT
USED TO TRANSPORT SCHOOL CHILDREN TO OR FROM THEIR RESIDENCES OR

1 DESIGNATED BUS STOPS. A SCHOOL-CHARTERED VEHICLE MAY BE USED
2 WITHOUT RESTRICTION FOR THE TRANSPORTATION OF SCHOOL CHILDREN
3 WITH SPECIAL NEEDS AS MAY BE NECESSARY TO MAKE REASONABLE
4 ACCOMMODATIONS PURSUANT TO THE AMERICANS WITH DISABILITIES ACT
5 OF 1990 (PUBLIC LAW 101-336, 104 STAT. 327).

6 * * *

7 § 4581. Restraint systems.

8 (a) Occupant protection.--

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

20 (1.1) Any person who is operating a passenger car, Class
21 I truck, Class II truck, classic motor vehicle, antique motor
22 vehicle or motor home and who transports a child four years
23 of age or older but under eight years of age anywhere in the
24 motor vehicle, including the cargo area, shall fasten such
25 child securely in a fastened safety seat belt system and in
26 an appropriately fitting child booster seat, as defined in
27 subsection (d). This paragraph shall apply to all persons
28 while they are operators of motor vehicles where a seating
29 position is available which is equipped with a seat safety
30 belt or other means to secure the systems or where the

1 seating position was originally equipped with seat safety
2 belts. [A conviction under this paragraph by State or local
3 law enforcement agencies shall occur only as a secondary
4 action when a driver of a motor vehicle has been convicted of
5 violating any other provision of this title.]

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

8 (i) The driver [and front seat occupant] of a
9 passenger car, Class I truck, Class II truck or motor
10 home operated in this Commonwealth shall [wear] secure or
11 cause to be secured in a properly adjusted and fastened
12 safety seat belt system for the driver, if under 18 years
13 of age, and every vehicle occupant eight years of age or
14 older but under 18 years of age. [A conviction under this
15 paragraph by State or local law enforcement agencies
16 shall occur only as a secondary action when a driver of a
17 motor vehicle has been convicted of any other provision
18 of this title. The driver of a passenger automobile shall
19 secure or cause to be secured in a properly adjusted and
20 fastened safety seat belt system any occupant who is
21 eight years of age or older and less than 18 years of
22 age.]

23 (ii) Except for children under 18 years of age and
24 except as provided in paragraphs (1) and (1.1) and
25 subparagraph (i), each driver and front seat occupant of
26 a passenger car, Class I truck, Class II truck, classic
27 motor vehicle, antique motor vehicle or motor home
28 operated in this Commonwealth shall wear a properly
29 adjusted and fastened safety seat belt system.

30 (iii) This paragraph shall not apply to:

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

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

10 [(iii)] (C) A rural letter carrier while
11 operating any motor vehicle during the performance of
12 his duties as a United States postal service rural
13 letter carrier only between the first and last
14 delivery points.

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

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

23 (3) A driver who is under 18 years of age may not
24 operate a motor vehicle in which the number of passengers
25 exceeds the number of available safety seat belts in the
26 vehicle.

27 (b) Offense.--Anyone who fails to comply with the provisions
28 of subsection (a) (1) or (1.1) shall be guilty of a summary
29 offense with a maximum fine of \$100. The court imposing and
30 collecting any such fines shall transfer the fines thus

1 collected to the State Treasurer for deposit in the Child
2 Passenger Restraint Fund, pursuant to section 4582 (relating to
3 Child Passenger Restraint Fund). Anyone who violates subsection
4 (a)(2) or (3) commits a summary offense and shall, upon
5 conviction, be sentenced to pay a fine of \$10. No person shall
6 be convicted of a violation of subsection [(a)(2)] (a)(2)(ii)
7 unless the person is also convicted of another violation of this
8 title which occurred at the same time. No costs as described in
9 42 Pa.C.S. § 1725.1 (relating to costs) shall be imposed for
10 summary conviction of subsection (a)(2) or (3). Conviction under
11 this subsection shall not constitute a moving violation.

12 * * *

13 ~~§ 6101. Applicability and uniformity of title.~~ ←

14 ~~(a) Requirement. The provisions of this title shall be~~
15 ~~applicable and uniform throughout this Commonwealth and in all~~
16 ~~political subdivisions in this Commonwealth, and no local~~
17 ~~authority shall enact or enforce any ordinance on a matter~~
18 ~~covered by the provisions of this title unless expressly~~
19 ~~authorized.~~

20 ~~(b) Sanctions. When a court of competent jurisdiction~~
21 ~~determines that an ordinance adopted by a local authority is in~~
22 ~~violation of subsection (a), the local authority is subject to~~
23 ~~the following sanctions until the local authority repeals or~~
24 ~~substantially amends the ordinance to remove the language that~~
25 ~~was found to be in violation of subsection (a):~~

26 ~~(1) Suspension of capital expenditures for bridges and~~
27 ~~highways.~~

28 ~~(2) Suspension of allocation under the act of June 1,~~
29 ~~1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels~~
30 ~~Tax Municipal Allocation Law.~~

~~(3) Suspension of allocation and apportionment under
section 9010(c.1) (relating to disposition and use of tax).
(c) Suspended funds. Upon notification that the local
authority has repealed or substantially amended the ordinance to
remove the language that was found to be in violation of
subsection (a), the department shall immediately end all
sanctions against the local authority and return all suspended
funds to the local authority.~~

~~Section 7. Section 9010(c) introductory paragraph of Title
75 is amended and the section is amended by adding subsections
to read:~~

~~§ 9010. Disposition and use of tax.~~

~~* * *~~

~~(c) Allocation of money. [The] Except as set forth in
subsection (c.1), the county commissioners may allocate and
apportion money from the County Liquid Fuels Tax Fund to the
political subdivisions within the county in the ratio as
provided in this subsection. When the unencumbered balance in
the County Liquid Fuels Tax Fund is greater than the receipts
for the 12 months immediately preceding the date of either of
the reports, the county commissioners shall notify the political
subdivisions to make application within 90 days for
participation in the redistribution of the unencumbered balance.
Redistribution shall be effected within 120 days of the date of
either of the reports. The county commissioners may distribute
the unencumbered balance in excess of 50% of the receipts for
the previous 12 months to the political subdivisions making
application in the following manner:~~

~~* * *~~

~~(c.1) Forfeiture. All money allocated under subsection (c)~~

~~to a political subdivision which, under section 6109(a)
(relating to specific powers of department and local
authorities), violates section 6101(a) (relating to
applicability and uniformity of title) shall be withheld by the
county during the period of time in which the municipality is in
violation of section 6101(a).~~

~~(c.2) Release funds. Upon notification that the local
authority has repealed or substantially amended the ordinance to
remove the language that was found to be in violation of section
6101(a), the county shall release those funds withheld by the
county and due the local agency.~~

~~* * *~~

Section § 7. This act shall take effect ~~as follows:~~

~~(1) The amendment or addition of 75 Pa.C.S. § 9010(c)
and (c.1) shall take effect January 1, 2010.~~

~~(2) This section shall take effect immediately.~~

~~(3) The remainder of this act shall take effect in 60
days.~~

