

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 67 Session of
2009

INTRODUCED BY MARKOSEK, GEIST, BELFANTI, BOYD, BRENNAN, DALEY,
J. EVANS, HARPER, HESS, HICKERNELL, KORTZ, McCALL, MOUL,
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WATSON, PASHINSKI, SHAPIRO, LENTZ, MURT, DALLY, MILNE AND
BRADFORD, JANUARY 26, 2009

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, MAY 24, 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 DUTY OF DRIVER IN CONSTRUCTION AND ←
7 MAINTENANCE AREAS OR ON HIGHWAY SAFETY CORRIDORS, FOR DUTY OF
8 DRIVER IN EMERGENCY RESPONSE AREAS, for accident report
9 forms, for department to compile, tabulate and analyze
10 accident reports, for television equipment, FOR GENERAL ←
11 REQUIREMENTS FOR OTHER VEHICLES TRANSPORTING SCHOOL CHILDREN
12 AND for restraint systems, ~~for the offense of careless~~ ←
13 ~~driving, for applicability and uniformity of law and for~~
14 ~~disposition and use of liquid fuels and fuels tax.~~

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

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

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

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

* * *

"Interactive wireless ~~communications~~ COMMUNICATION device." ←

~~Any wireless electronic communications device that provides for~~ ←

~~voice or data communication between two or more parties,~~

~~including, but not limited to, a mobile or cellular telephone, a~~

~~text messaging device, a personal digital assistant that sends~~

~~or receives messages or a laptop computer. The term does not~~

~~include:~~

~~(1) an amateur radio;~~

~~(2) a citizens band radio;~~

~~(3) a two way radio communication device; or~~

~~(4) a communication device that is affixed to a mass~~

~~transit vehicle, bus or school bus. A WIRELESS TELEPHONE,~~ ←

~~PERSONAL DIGITAL ASSISTANT, SMART PHONE, PORTABLE OR MOBILE~~

~~COMPUTER OR SIMILAR DEVICE WHICH CAN BE USED FOR VOICE~~

~~COMMUNICATION, TEXTING, E-MAILING, BROWSING THE INTERNET OR~~

~~INSTANT MESSAGING. THE TERM DOES NOT INCLUDE ANY OF THE~~

~~FOLLOWING:~~

~~(1) A DEVICE BEING USED EXCLUSIVELY AS A GLOBAL POSITIONING OR NAVIGATION SYSTEM;~~

~~(2) A SYSTEM OR DEVICE THAT IS PHYSICALLY OR ELECTRONICALLY INTEGRATED INTO THE VEHICLE; OR~~

1 (3) A COMMUNICATION DEVICE THAT IS AFFIXED TO A MASS
2 TRANSIT VEHICLE, BUS OR SCHOOL BUS.

3 * * *

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

6 § 1503. Persons ineligible for licensing; license issuance to
7 minors; junior driver's license.

8 * * *

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

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

19 (2) A licensed junior driver conforming to the
20 requirements of section 1507 (relating to application for
21 driver's license or learner's permit by minor) may drive a
22 vehicle upon a public highway between 11 p.m. and 5 a.m.
23 between the junior driver's home and activity or employment
24 or in the course of the junior driver's activity or
25 employment if the junior driver is a member of a volunteer
26 fire company authorized by the fire chief to engage in
27 fighting fires, is engaged in public or charitable service or
28 is employed and is carrying an affidavit or certificate of
29 authorization signed by the junior driver's fire chief,
30 supervisor or employer indicating the probable schedule of

1 the junior driver's activities. Upon termination of the
2 junior driver's activity or employment, the junior driver
3 shall surrender the affidavit or certificate to the fire
4 chief, supervisor or employer. If the junior driver shall
5 fail to surrender the affidavit or certificate, the employer,
6 fire chief or supervisor shall immediately notify the
7 Pennsylvania State Police.

8 ~~(2.1) Except as set forth in paragraph (2.2), a junior~~ ←
9 ~~driver may not drive a vehicle with more than one passenger~~
10 ~~under 18 years of age.~~

11 ~~(2.2) With parental or in loco parentis approval, a~~
12 ~~junior driver may drive a vehicle with passengers under 18~~
13 ~~years of age who are siblings or relatives who live in the~~
14 ~~same dwelling as the junior driver.~~

15 (2.1) FOR THE FIRST SIX MONTHS AFTER ISSUANCE OF THE ←
16 JUNIOR DRIVER'S LICENSE, A JUNIOR DRIVER SHALL NOT DRIVE A
17 VEHICLE WITH MORE THAN ONE PASSENGER UNDER 18 YEARS OF AGE
18 WHO IS NOT A MEMBER OF THE DRIVER'S IMMEDIATE FAMILY UNLESS
19 THE JUNIOR DRIVER IS ACCOMPANIED BY A PARENT OR LEGAL
20 GUARDIAN. AFTER THE EXPIRATION OF THE FIRST SIX MONTHS, A
21 JUNIOR DRIVER SHALL NOT DRIVE A VEHICLE WITH MORE THAN THREE
22 PASSENGERS UNDER 18 YEARS OF AGE WHO ARE NOT MEMBERS OF THE
23 DRIVER'S IMMEDIATE FAMILY UNLESS THE JUNIOR DRIVER IS
24 ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN. A JUNIOR DRIVER ←
25 SHALL NOT DRIVE A VEHICLE WITH MORE THAN ONE PASSENGER UNDER
26 18 YEARS OF AGE WHO IS NOT A MEMBER OF THE DRIVER'S IMMEDIATE
27 FAMILY UNLESS THE JUNIOR DRIVER IS ACCOMPANIED BY A PARENT OR
28 LEGAL GUARDIAN IF THE JUNIOR DRIVER HAS BEEN INVOLVED IN AN
29 ACCIDENT REPORTABLE UNDER SECTION 3746(A) (RELATING TO
30 IMMEDIATE NOTICE OF ACCIDENT TO POLICE DEPARTMENT) FOR WHICH

1 THE JUNIOR DRIVER IS PARTIALLY OR FULLY RESPONSIBLE IN THE
2 OPINION OF THE DEPARTMENT OR HAS BEEN CONVICTED OF ANY
3 VIOLATION OF THIS TITLE. FOR PURPOSES OF THIS SUBSECTION, A
4 JUNIOR DRIVER'S IMMEDIATE FAMILY SHALL INCLUDE BROTHERS,
5 SISTERS, STEPBROTHERS OR STEPSISTERS OF THE DRIVER, INCLUDING
6 ADOPTED OR FOSTER CHILDREN RESIDING IN THE SAME HOUSEHOLD AS
7 THE JUNIOR DRIVER.

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

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

20 ~~§ 1505. Learners' permits.~~

21 ~~* * *~~

22 ~~(c) Authorization to test for driver's license and junior~~
23 ~~driver's license. A person with a learner's permit is~~
24 ~~authorized to take the examination for a regular or junior~~
25 ~~driver's license for the class of vehicle for which a permit is~~
26 ~~held. Before a person under the age of 18 years may take the~~
27 ~~examination for a junior driver's license, the minor must:~~

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

30 ~~(2) Present to the department a certification form~~

1 ~~signed by the father, mother, guardian, person in loco~~
2 ~~parentis or spouse of a married minor stating that the minor~~
3 ~~applicant has completed [50] 65 hours of practical driving~~
4 ~~experience, including no less than ten hours of nighttime~~
5 ~~driving and five hours of inclement weather driving,~~
6 ~~accompanied as required under subsection (b). Submission of a~~
7 ~~certification shall not subject the parent, guardian, person~~
8 ~~in loco parentis or spouse of a married minor to any~~
9 ~~liability based upon the certification.~~

10 ~~(3) Have the certification form completed when the minor~~
11 ~~is ready for the licensing examination. The certification~~
12 ~~form shall be developed by the department and will be~~
13 ~~provided by the department when the original application for~~
14 ~~a learner's permit is processed. The department will make~~
15 ~~this form readily available through the mail or electronic~~
16 ~~means.~~

17 ~~* * *~~

18 § 1538. School, examination or hearing on accumulation of
19 points or excessive speeding.

20 * * *

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

22 (1) In addition to any other provisions of law relating
23 to the suspension or revocation of operating privileges, a
24 person's operating privileges shall be suspended under any of
25 the following circumstances:

26 (i) Prior to reaching age 18, the person violates
27 section 3362 (relating to maximum speed limits) by
28 traveling 26 miles per hour or more over the posted speed
29 limit and the violation results in a conviction, guilty
30 plea or plea of no contest before or after the person

reaches age 18.

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

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

(3) AN INSURER SHALL TREAT A SUSPENSION OF A PERSON UNDER THIS SUBSECTION THE SAME AS A PERSON OVER 18 YEARS OF AGE FOR A SIMILAR VIOLATION FOR THE PURPOSE OF AUTOMOBILE INSURANCE AND MAY NOT INCREASE PREMIUMS, IMPOSE ANY SURCHARGE OR RATE PENALTY OR MAKE ANY DRIVER RECORD POINT ASSIGNMENT FOR AUTOMOBILE INSURANCE IN A MANNER DIFFERENT FROM THAT OF A PERSON OVER 18 YEARS OF AGE.

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

§ 3316. Prohibiting interactive wireless ~~communications~~ COMMUNICATION devices.

(a) Drivers subject to restriction.--No ~~driver~~ PERSON with a learners' permit or junior driver's license shall drive a motor vehicle on a ~~highway~~ ROADWAY or trafficway in this Commonwealth while using an interactive wireless ~~communications~~ COMMUNICATION

1 device.

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

3 (1) Persons who use an interactive wireless
4 ~~communications~~ COMMUNICATION device to contact a 511 service ←
5 or 911 system OR WIRELESS E-911 SERVICE, AS DEFINED IN THE ←
6 ACT OF JULY 9, 1990 (P.L.340, NO.78), KNOWN AS THE PUBLIC
7 SAFETY EMERGENCY TELEPHONE ACT.

8 ~~(2) Emergency service personnel who are using an~~ ←
9 ~~interactive wireless communication device in the performance~~
10 ~~of official duties.~~

11 (2) PERSONS WHO USE AN INTERACTIVE WIRELESS ←
12 COMMUNICATION DEVICE WHEN THE VEHICLE IS STOPPED DUE TO
13 TRAFFIC OBSTRUCTION AND THE MOTOR VEHICLE TRANSMISSION IS IN
14 NEUTRAL OR PARK.

15 (3) OPERATORS OF EMERGENCY VEHICLES WHO USE AN
16 INTERACTIVE WIRELESS COMMUNICATION DEVICE FOR VOICE
17 COMMUNICATION FOR THE PURPOSE OF RESPONDING TO AN EMERGENCY
18 WHILE ENGAGED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

19 (4) VOLUNTEER EMERGENCY RESPONDERS WHO USE AN
20 INTERACTIVE WIRELESS COMMUNICATION DEVICE FOR VOICE
21 COMMUNICATION FOR THE PURPOSE OF RESPONDING TO AN EMERGENCY
22 WHILE ENGAGED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

23 (5) AMATEUR RADIO OPERATORS WHO USE AN INTERACTIVE
24 WIRELESS COMMUNICATION DEVICE FOR VOICE COMMUNICATION.

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

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

1 a fine of \$100.

2 (e) SECONDARY ACTION.--A CONVICTION UNDER THIS SECTION BY
3 STATE OR LOCAL LAW ENFORCEMENT AGENCIES SHALL OCCUR ONLY AS A
4 SECONDARY ACTION WHEN A DRIVER OF A MOTOR VEHICLE HAS BEEN
5 CONVICTED OF VIOLATING ANY OTHER PROVISION OF THIS TITLE.

6 (F) Definitions.--As used in this section, the following
7 words and phrases shall have the meanings given to them in this
8 subsection:

9 "511" or "511 service." Three digit telecommunications
10 dialing to access an intelligent transportation system traveler
11 information service provided in this Commonwealth in accordance
12 with the Federal Communications Commission and the United States
13 Department of Transportation.

14 "911." The number used by a public agency located in whole
15 or in part within this Commonwealth authorized by law to provide
16 emergency telephone service to access firefighting, law
17 enforcement, ambulance, emergency medical or other emergency
18 services.

19 "VOLUNTEER EMERGENCY RESPONDER." ANY OF THE FOLLOWING:

20 (1) A MEMBER OF A VOLUNTEER AMBULANCE SERVICE AS DEFINED
21 IN SECTION 102 OF THE ACT OF JULY 31, 2003 (P.L.73, NO.17),
22 KNOWN AS THE VOLUNTEER FIRE COMPANY AND VOLUNTEER AMBULANCE
23 SERVICE GRANT ACT;

24 (2) A MEMBER OF A VOLUNTEER FIRE COMPANY AS DEFINED IN
25 SECTION 102 OF THE VOLUNTEER FIRE COMPANY AND VOLUNTEER
26 AMBULANCE SERVICE GRANT ACT; OR

27 (3) MEMBER OF A VOLUNTEER RESCUE COMPANY AS DEFINED IN
28 SECTION 102 OF THE VOLUNTEER FIRE COMPANY AND VOLUNTEER
29 AMBULANCE SERVICE GRANT ACT.

30 Section 4. Sections 3714 and SECTION SECTIONS 3326(C),

1 3327(E) AND 3752(a) of Title 75 ~~are~~ ~~IS~~ ARE amended to read:

2 ~~§ 3714. Careless driving.~~

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

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

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

14 ~~(c.1) Increased fine for distracted driver. Upon conviction~~
15 ~~for a violation of this section where at the time of the~~
16 ~~violation the person made use of any device not associated with~~
17 ~~the safe operation of the vehicle, including, but not limited~~
18 ~~to, the following:~~

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

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

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

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

30 ~~(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~~
~~of any bodily member or organ.~~

§ 3326. DUTY OF DRIVER IN CONSTRUCTION AND MAINTENANCE AREAS OR
ON HIGHWAY SAFETY CORRIDORS.

* * *

(C) FINES TO BE DOUBLED.--FOR ANY OF THE FOLLOWING
VIOLATIONS, WHEN COMMITTED IN AN ACTIVE WORK ZONE MANNED BY
WORKERS ACTING IN THEIR OFFICIAL CAPACITY OR ON A HIGHWAY SAFETY
CORRIDOR DESIGNATED UNDER SECTION 6105.1 (RELATING TO
DESIGNATION OF HIGHWAY SAFETY CORRIDORS), THE FINE SHALL BE
DOUBLE THE USUAL AMOUNT:

SECTION 3102 (RELATING TO OBEDIENCE TO AUTHORIZED PERSONS
DIRECTING TRAFFIC) .

SECTION 3111 (RELATING TO OBEDIENCE TO TRAFFIC-CONTROL
DEVICES) .

1 SECTION 3112 (RELATING TO TRAFFIC-CONTROL SIGNALS) .
2 SECTION 3114 (RELATING TO FLASHING SIGNALS) .
3 SECTION 3302 (RELATING TO MEETING VEHICLE PROCEEDING IN
4 OPPOSITE DIRECTION) .
5 SECTION 3303 (RELATING TO OVERTAKING VEHICLE ON THE LEFT) .
6 SECTION 3304 (RELATING TO OVERTAKING VEHICLE ON THE RIGHT) .
7 SECTION 3305 (RELATING TO LIMITATIONS ON OVERTAKING ON THE
8 LEFT) .
9 SECTION 3306 (RELATING TO LIMITATIONS ON DRIVING ON LEFT SIDE
10 OF ROADWAY) .
11 SECTION 3307 (RELATING TO NO-PASSING ZONES) .
12 SECTION 3309 (RELATING TO DRIVING ON ROADWAYS LANED FOR
13 TRAFFIC) .
14 SECTION 3310 (RELATING TO FOLLOWING TOO CLOSELY) .
15 SECTION 3316 (RELATING TO PROHIBITING INTERACTIVE WIRELESS
16 COMMUNICATION DEVICES) .
17 SECTION 3323 (RELATING TO STOP SIGNS AND YIELD SIGNS) .
18 SECTION 3326 (RELATING TO DUTY OF DRIVER IN CONSTRUCTION AND
19 MAINTENANCE AREAS OR ON HIGHWAY SAFETY CORRIDORS) .
20 SECTION 3361 (RELATING TO DRIVING VEHICLE AT SAFE SPEED) .
21 SECTION 3362 (RELATING TO MAXIMUM SPEED LIMITS) .
22 SECTION 3702 (RELATING TO LIMITATIONS ON BACKING) .
23 SECTION 3714 (RELATING TO CARELESS DRIVING) .
24 SECTION 3736 (RELATING TO RECKLESS DRIVING) .
25 SECTION 3802 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL
26 OR CONTROLLED SUBSTANCE) .
27 * * *
28 § 3327. DUTY OF DRIVER IN EMERGENCY RESPONSE AREAS .
29 * * *
30 (E) FINES TO BE DOUBLED.--IN ADDITION TO ANY PENALTY AS

1 PROVIDED IN SUBSECTION (B), THE FINE FOR ANY OF THE FOLLOWING
2 VIOLATIONS WHEN COMMITTED IN AN EMERGENCY RESPONSE AREA MANNED
3 BY EMERGENCY SERVICE RESPONDERS SHALL BE DOUBLE THE USUAL
4 AMOUNT:

5 SECTION 3102 (RELATING TO OBEDIENCE TO AUTHORIZED PERSONS
6 DIRECTING TRAFFIC) .

7 SECTION 3111 (RELATING TO OBEDIENCE TO TRAFFIC-CONTROL
8 DEVICES) .

9 SECTION 3114 (RELATING TO FLASHING SIGNALS) .

10 SECTION 3302 (RELATING TO MEETING VEHICLE PROCEEDING IN
11 OPPOSITE DIRECTION) .

12 SECTION 3303 (RELATING TO OVERTAKING VEHICLE ON THE LEFT) .

13 SECTION 3304 (RELATING TO OVERTAKING VEHICLE ON THE RIGHT) .

14 SECTION 3305 (RELATING TO LIMITATIONS ON OVERTAKING ON THE
15 LEFT) .

16 SECTION 3306 (RELATING TO LIMITATIONS ON DRIVING ON LEFT SIDE
17 OF ROADWAY) .

18 SECTION 3307 (RELATING TO NO-PASSING ZONES) .

19 SECTION 3310 (RELATING TO FOLLOWING TOO CLOSELY) .

20 SECTION 3312 (RELATING TO LIMITED ACCESS HIGHWAY ENTRANCES
21 AND EXITS) .

22 SECTION 3316 (RELATING TO PROHIBITING INTERACTIVE WIRELESS
23 COMMUNICATION DEVICES) .

24 SECTION 3323 (RELATING TO STOP SIGNS AND YIELD SIGNS) .

25 SECTION 3325 (RELATING TO DUTY OF DRIVER ON APPROACH OF
26 EMERGENCY VEHICLE) .

27 SECTION 3361 (RELATING TO DRIVING VEHICLE AT SAFE SPEED) .

28 SECTION 3707 (RELATING TO DRIVING OR STOPPING CLOSE TO FIRE
29 APPARATUS) .

30 SECTION 3710 (RELATING TO STOPPING AT INTERSECTION OR

1 CROSSING TO PREVENT OBSTRUCTION) .

2 SECTION 3714 (RELATING TO CARELESS DRIVING) .

3 SECTION 3736 (RELATING TO RECKLESS DRIVING) .

4 SECTION 3802 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL
5 OR CONTROLLED SUBSTANCE) .

6 * * *

7 § 3752. Accident report forms.

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

22 * * *

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

25 § 3753. Department to compile, tabulate and analyze accident
26 reports.

27 * * *

28 (b.1) Report on interactive wireless communications ←
29 devices. CERTAIN REPORTS.--The department shall annually ←
30 compile and make available to the public information submitted

1 on an accident report concerning interactive wireless
2 ~~communications~~ COMMUNICATION devices in motor vehicles involved ←
3 in traffic accidents. The report shall note whether the driver
4 of the motor vehicle was using an interactive wireless
5 ~~communications~~ COMMUNICATION device when the accident occurred. ←
6 THE DEPARTMENT SHALL BIANNUALLY COMPILE AND MAKE AVAILABLE TO ←
7 THE PUBLIC INFORMATION SUBMITTED ON AN ACCIDENT REPORT
8 CONCERNING JUNIOR DRIVERS WITH MULTIPLE PASSENGERS UNDER 18
9 YEARS OF AGE AND THE USE OF SEAT BELTS BY DRIVERS AND PASSENGERS
10 UNDER 18 YEARS OF AGE IN MOTOR VEHICLES INVOLVED IN TRAFFIC
11 ACCIDENTS. THE REPORT SHALL NOTE THE NUMBER OF PASSENGERS UNDER
12 18 YEARS OF AGE IF THE DRIVER INVOLVED IN THE ACCIDENT WAS A
13 JUNIOR DRIVER AND WHETHER DRIVERS AND PASSENGERS UNDER 18 YEARS
14 OF AGE UTILIZED A SAFETY BELT SYSTEM. The data shall be included
15 in a report submitted to the Transportation Committee of the
16 Senate and the Transportation Committee of the House of
17 Representatives.

18 * * *

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

21 § 4527. [Television] Video receiving equipment.

22 (a) General rule.--[No] Except as provided in subsection (c) ←
23 (B), no person shall drive a motor vehicle [operated on a ←
24 highway shall be] equipped with [television-type] any image
25 display device, video receiving equipment, including a receiver,
26 a video monitor or a television or video screen capable of
27 displaying a television broadcast or video signal that produces
28 entertainment or business applications or similar equipment
29 which is located in the motor vehicle at any point forward of
30 the back of the driver's seat [or otherwise], or which is

1 visible, directly or indirectly, to the driver while operating
2 the motor vehicle.

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

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

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

15 (2) [Electronic displays] Image display devices used in
16 conjunction with in-vehicle navigation systems, related
17 traffic, road and weather information.

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

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

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

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

30 (1) a broadcast television image; or

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

3 § 4553. GENERAL REQUIREMENTS FOR OTHER VEHICLES TRANSPORTING
4 SCHOOL CHILDREN.

5 * * *

6 (B) SCHOOL-CHARTERED BUS.--IN ADDITION TO SCHOOL BUSES,
7 SCHOOL-CHARTERED BUSES, WHICH ARE DESIGNED TO TRANSPORT 16 OR
8 MORE PASSENGERS, INCLUDING THE DRIVER, AND WHICH ARE OPERATED BY
9 A PERSON HOLDING A CERTIFICATE OF THE PENNSYLVANIA PUBLIC
10 UTILITY COMMISSION OR THE INTERSTATE COMMERCE COMMISSION, MAY BE
11 USED UNDER A SHORT-TERM CONTRACT WITH A SCHOOL WHICH HAS
12 ACQUIRED THE EXCLUSIVE USE OF THE VEHICLE AT A FIXED CHARGE TO
13 [PROVIDE TRANSPORTATION OF] TRANSPORT SCHOOL CHILDREN TO A
14 [SPECIAL] SCHOOL-RELATED EVENT, PROVIDED THAT THE VEHICLE IS NOT
15 USED TO TRANSPORT SCHOOL CHILDREN TO OR FROM THEIR RESIDENCES OR
16 DESIGNATED BUS STOPS. A SCHOOL-CHARTERED VEHICLE MAY BE USED
17 WITHOUT RESTRICTION FOR THE TRANSPORTATION OF SCHOOL CHILDREN
18 WITH SPECIAL NEEDS AS MAY BE NECESSARY TO MAKE REASONABLE
19 ACCOMMODATIONS PURSUANT TO THE AMERICANS WITH DISABILITIES ACT
20 OF 1990 (PUBLIC LAW 101-336, 104 STAT. 327).

21 * * *

22 § 4581. Restraint systems.

23 (a) Occupant protection.--

24 (1) Any person who is operating a passenger car, Class I
25 truck, Class II truck, classic motor vehicle, antique motor
26 vehicle or motor home and who transports a child under four
27 years of age anywhere in the motor vehicle, including the
28 cargo area, shall fasten such child securely in a child
29 passenger restraint system, as defined in subsection (d).

30 This subsection shall apply to all persons while they are

1 operators of motor vehicles where a seating position is
2 available which is equipped with a seat safety belt or other
3 means to secure the systems or where the seating position was
4 originally equipped with seat safety belts.

5 (1.1) Any person who is operating a passenger car, Class
6 I truck, Class II truck, classic motor vehicle, antique motor
7 vehicle or motor home and who transports a child four years
8 of age or older but under eight years of age anywhere in the
9 motor vehicle, including the cargo area, shall fasten such
10 child securely in a fastened safety seat belt system and in
11 an appropriately fitting child booster seat, as defined in
12 subsection (d). This paragraph shall apply to all persons
13 while they are operators of motor vehicles where a seating
14 position is available which is equipped with a seat safety
15 belt or other means to secure the systems or where the
16 seating position was originally equipped with seat safety
17 belts. [A conviction under this paragraph by State or local
18 law enforcement agencies shall occur only as a secondary
19 action when a driver of a motor vehicle has been convicted of
20 violating any other provision of this title.]

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

23 (i) The driver [and front seat occupant] of a
24 passenger car, Class I truck, Class II truck or motor
25 home operated in this Commonwealth shall [wear] secure or
26 cause to be secured in a properly adjusted and fastened
27 safety seat belt system for the driver, if under 18 years
28 of age, and every vehicle occupant eight years of age or
29 older but under 18 years of age. [A conviction under this
30 paragraph by State or local law enforcement agencies

1 shall occur only as a secondary action when a driver of a
2 motor vehicle has been convicted of any other provision
3 of this title. The driver of a passenger automobile shall
4 secure or cause to be secured in a properly adjusted and
5 fastened safety seat belt system any occupant who is
6 eight years of age or older and less than 18 years of
7 age.]

8 (ii) Except for children under 18 years of age and
9 except as provided in paragraphs (1) and (1.1) and
10 subparagraph (i), each driver and front seat occupant of
11 a passenger car, Class I truck, Class II truck, classic
12 motor vehicle, antique motor vehicle or motor home
13 operated in this Commonwealth shall wear a properly
14 adjusted and fastened safety seat belt system.

15 (iii) This paragraph shall not apply to:

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

18 [(ii)] (B) A driver or front seat occupant who
19 possesses a written verification from a physician
20 that he is unable to wear a safety seat belt system
21 for physical or medical reasons, or from a
22 psychiatrist or other specialist qualified to make an
23 informed judgment that he is unable to wear a safety
24 seat belt system for psychological reasons.

25 [(iii)] (C) A rural letter carrier while
26 operating any motor vehicle during the performance of
27 his duties as a United States postal service rural
28 letter carrier only between the first and last
29 delivery points.

30 [(iv)] (D) A driver who makes frequent stops and

1 is traveling less than 15 miles per hour for the
2 purpose of delivering goods or services while in the
3 performance of his duties and only between the first
4 and last delivery points.

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

8 (3) A driver who is under 18 years of age may not
9 operate a motor vehicle in which the number of passengers
10 exceeds the number of available safety seat belts in the
11 vehicle.

12 (b) Offense.--Anyone who fails to comply with the provisions
13 of subsection (a)(1) or (1.1) shall be guilty of a summary
14 offense with a maximum fine of \$100. The court imposing and
15 collecting any such fines shall transfer the fines thus
16 collected to the State Treasurer for deposit in the Child
17 Passenger Restraint Fund, pursuant to section 4582 (relating to
18 Child Passenger Restraint Fund). Anyone who violates subsection
19 (a)(2) or (3) commits a summary offense and shall, upon
20 conviction, be sentenced to pay a fine of \$10. No person shall
21 be convicted of a violation of subsection [(a)(2)] (a)(2)(ii)
22 unless the person is also convicted of another violation of this
23 title which occurred at the same time. No costs as described in
24 42 Pa.C.S. § 1725.1 (relating to costs) shall be imposed for
25 summary conviction of subsection (a)(2) or (3). Conviction under
26 this subsection shall not constitute a moving violation.

27 * * *

28 ~~§ 6101. Applicability and uniformity of title.~~

29 ~~(a) Requirement. The provisions of this title shall be~~
30 ~~applicable and uniform throughout this Commonwealth and in all~~



~~political subdivisions in this Commonwealth, and no local authority shall enact or enforce any ordinance on a matter covered by the provisions of this title unless expressly authorized.~~

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

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

~~(2) Suspension of allocation under the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels 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.~~



1 ~~(2) This section shall take effect immediately.~~
2 ~~(3) The remainder of this act shall take effect in 60~~
3 days.