

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2070 Session of 2009

INTRODUCED BY MARKOSEK, GEIST, CALTAGIRONE, CARROLL, P. COSTA,
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HARPER, LENTZ, MARSICO, MILLER, PICKETT, PYLE, REICHLEY,
SHAPIRO, SIPTROTH, SOLOBAY, SWANGER, WATSON, KORTZ, HELM AND
BENNINGHOFF, NOVEMBER 9, 2009

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 10, 2009

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 75
2 (Vehicles) of the Pennsylvania Consolidated Statutes, further
3 providing for Commonwealth portion of fines, etc. and for
4 municipal corporation portion of fines, etc.; defining
5 "interactive wireless communication device"; prohibiting use
6 of interactive wireless communication device; and further
7 providing for duty of driver in construction and maintenance
8 areas or on highway safety corridors, for duty of driver in
9 emergency response areas, for accident report forms, for
10 department to compile, tabulate and analyze accident reports
11 and for applicability and uniformity of title.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Sections 3571(b) and 3573(b) of Title 42 of the
15 Pennsylvania Consolidated Statutes are amended to read:

16 § 3571. Commonwealth portion of fines, etc.

17 * * *

18 (b) Vehicle offenses.--

19 (1) All fines, forfeited recognizances and other
20 forfeitures imposed, lost or forfeited in connection with

1 matters arising under Chapter 77 of Title 75 (relating to
2 snowmobiles) shall unless otherwise provided in Chapter 77 of
3 Title 75 be payable to the Commonwealth.

4 (2) Except as provided in [paragraph (4)] paragraphs (4)
5 and (5), when prosecution under any other provision of Title
6 75 (relating to vehicles) is the result of State Police
7 action, all fines, forfeited recognizances and other
8 forfeitures imposed, lost or forfeited shall be payable to
9 the Commonwealth, for credit to the Motor License Fund. One-
10 half of the revenue shall be paid to municipalities in the
11 same ratio provided in section 4 of the [act of June 1, 1956
12 (P.L.1944, No.655), relating to partial allocation of liquid
13 fuels and fuel use tax proceeds] act of June 1, 1956 (1955
14 P.L.1944, No.655), referred to as the Liquid Fuels Tax
15 Municipal Allocation Law.

16 (3) Except as provided in paragraph (5) and section 3573
17 (relating to municipal corporation portion of fines, etc.),
18 when prosecution under any other provision of Title 75 is the
19 result of local police action, one-half of all fines,
20 forfeited recognizances and other forfeitures imposed, lost
21 or forfeited shall be payable to the Commonwealth, for credit
22 to the Motor License Fund.

23 (4) When prosecution under 75 Pa.C.S. § 3802 (relating
24 to driving under influence of alcohol or controlled
25 substance) is the result of State Police action, 50% of all
26 fines, forfeited recognizances and other forfeitures imposed,
27 lost or forfeited shall be payable to the Commonwealth, for
28 credit to the Motor License Fund, and 50% shall be payable to
29 the county which shall be further divided as follows:

30 (i) Fifty percent of the moneys received shall be

1 allocated to the appropriate county authority which
2 implements the county drug and alcohol program to be used
3 solely for the purposes of aiding programs promoting drug
4 abuse and alcoholism prevention, education, treatment and
5 research.

6 (ii) Fifty percent of the moneys received shall be
7 used for expenditures incurred for county jails, prisons,
8 workhouses and detention centers.

9 (5) When prosecution under 75 Pa.C.S. § 3316 (relating
10 to prohibiting use of interactive wireless communication
11 device) is the result of Pennsylvania State Police action,
12 25% of all revenue from fines shall be paid to municipalities
13 in the same ratio provided in section 4 of the Liquid Fuels
14 Tax Municipal Allocation Law, and 75% of the revenue from the
15 fines shall be allocated and are appropriated on a continuing
16 basis to the Department of Transportation for Statewide
17 public education and awareness programs to combat distracted
18 driving and promote awareness under 75 Pa.C.S. § 3316(f).

19 * * *

20 § 3573. Municipal corporation portion of fines, etc.

21 * * *

22 (b) Vehicle offenses.--

23 (1) When prosecution under the provisions of Title 75
24 (relating to vehicles) for parking is the result of local
25 police action, all fines, forfeited recognizances and other
26 forfeitures imposed, lost or forfeited shall be payable to
27 the municipal corporation under which the local police are
28 organized.

29 (2) Except as provided in [paragraph (3)] paragraphs (3)
30 and (4), when prosecution under any other provision of Title

1 75 (except Chapter 77 (relating to snowmobiles)) is the
2 result of local police action, one-half of all fines,
3 forfeited recognizances and other forfeitures imposed, lost
4 or forfeited shall be payable to the municipal corporation
5 under which the local police are organized.

6 (3) When prosecution under 75 Pa.C.S. § 3802 (relating
7 to driving under influence of alcohol or controlled
8 substance) is the result of local police action, 50% of all
9 fines, forfeited recognizances and other forfeitures imposed,
10 lost or forfeited shall be payable to the municipal
11 corporation under which the local police are organized, and
12 50% shall be payable to the county which shall be further
13 divided as follows:

14 (i) Fifty percent of the moneys received shall be
15 allocated to the appropriate county authority which
16 implements the county drug and alcohol program to be used
17 solely for the purposes of aiding programs promoting drug
18 abuse and alcoholism prevention, education, treatment and
19 research.

20 (ii) Fifty percent of the moneys received shall be
21 used for expenditures incurred for county jails, prisons,
22 workhouses and detention centers.

23 (4) When prosecution under 75 Pa.C.S. § 3316 (relating
24 to prohibiting use of interactive wireless communication
25 device) is the result of local police action, 25% of all
26 revenue from fines shall be payable to the municipal
27 corporation under which the local police are organized, and
28 75% shall be payable and is appropriated on a continuing
29 basis to the Department of Transportation for Statewide
30 public education and awareness programs to combat distracted

1 driving as established by 75 Pa.C.S. § 3316(f).

2 * * *

3 Section 2. Section 102 of Title 75 is amended by adding a
4 definition to read:

5 § 102. Definitions.

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

11 * * *

12 "Interactive wireless communication device." A wireless
13 telephone, personal digital assistant, smart phone, portable or
14 mobile computer, or similar device which can be used for ←
15 texting, e-mailing, browsing the Internet or instant messaging,
16 but does not include a device being used exclusively as a global
17 positioning or navigation system, or a system or device that is ←
18 physically or electronically integrated into the vehicle.

19 * * *

20 Section 3. Title 75 is amended by adding a section to read:
21 § 3316. Prohibiting use of interactive wireless communication
22 device.

23 (a) Driver restrictions.--

24 (1) No person shall drive a motor vehicle upon a roadway
25 or trafficway in this Commonwealth while using an interactive
26 wireless communication device for a purpose other than:

27 (i) voice communication;

28 (ii) reading, selecting or entering a telephone
29 number or name into an interactive wireless communication
30 device for the purpose of making a telephone call; or

1 (iii) utilizing a global positioning or navigation
2 system.

3 (2) No person with a learner's permit or junior driver's
4 license shall drive a motor vehicle upon a roadway or
5 trafficway in this Commonwealth while using an interactive
6 wireless communication device.

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

8 (1) A driver using an interactive wireless communication
9 device to contact a 911 system or wireless E-911 service, as
10 defined in the act of July 9, 1990 (P.L.340, No.78), known as
11 the Public Safety Emergency Telephone Act.

12 (2) A driver using an interactive wireless communication
13 device when the vehicle is stopped due to traffic being
14 obstructed and the driver has the motor vehicle transmission
15 in neutral or park.

16 (c) Seizure.--The provisions of this section shall not be
17 construed as authorizing the seizure or forfeiture of an
18 interactive wireless communication device.

19 (d) Penalty.--

20 (1) A person who violates subsection (a) commits a
21 summary offense and shall, upon conviction, be sentenced to
22 pay a fine of \$50.

23 (2) A person who violates subsection (a) while passing
24 through a school zone, as defined and provided under the
25 regulations of the department, commits a summary offense and
26 shall, upon conviction, be sentenced to pay a fine of \$100.
27 An official traffic-control device shall indicate the
28 beginning and end of each school zone to traffic approaching
29 in each direction. Establishment of a school zone, including
30 its location and hours of operation, shall be approved by the

1 department.

2 (e) Public education and awareness program.--The department
3 shall develop and maintain Statewide public education and
4 awareness programs to combat distracted driving and promote
5 awareness of the provisions of this section subject to available
6 funding.

7 (f) Guidelines.--The department shall, in consultation with
8 the Department of Education and the Pennsylvania State Police,
9 promulgate guidelines for the implementation of subsection (e)
10 within six months of the effective date of this section.

11 (g) Insurance.--An insurer may not charge an insured who has
12 been cited or convicted under this section a higher premium for
13 a policy of insurance in whole or in part by reason of that
14 conviction.

15 (h) Department to compile report.--The department shall
16 annually compile and make available to the Transportation
17 Committee of the Senate and the Transportation Committee of the
18 House of Representatives a report detailing the public education
19 efforts to combat distracted driving and promote awareness of
20 the provisions of this section.

21 Section 4. Sections 3326(c), 3327(e) and 3752(a) of Title 75
22 are amended to read:

23 § 3326. Duty of driver in construction and maintenance areas or
24 on highway safety corridors.

25 * * *

26 (c) Fines to be doubled.--For any of the following
27 violations, when committed in an active work zone manned by
28 workers acting in their official capacity or on a highway safety
29 corridor designated under section 6105.1 (relating to
30 designation of highway safety corridors), the fine shall be

1 double the usual amount:

2 Section 3102 (relating to obedience to authorized persons
3 directing traffic).

4 Section 3111 (relating to obedience to traffic-control
5 devices).

6 Section 3112 (relating to traffic-control signals).

7 Section 3114 (relating to flashing signals).

8 Section 3302 (relating to meeting vehicle proceeding in
9 opposite direction).

10 Section 3303 (relating to overtaking vehicle on the
11 left).

12 Section 3304 (relating to overtaking vehicle on the
13 right).

14 Section 3305 (relating to limitations on overtaking on
15 the left).

16 Section 3306 (relating to limitations on driving on left
17 side of roadway).

18 Section 3307 (relating to no-passing zones).

19 Section 3309 (relating to driving on roadways laned for
20 traffic).

21 Section 3310 (relating to following too closely).

22 Section 3316(a) (relating to prohibiting use of
23 interactive wireless communication device).

24 Section 3323 (relating to stop signs and yield signs).

25 Section 3326 (relating to duty of driver in construction
26 and maintenance areas or on highway safety corridors).

27 Section 3361 (relating to driving vehicle at safe speed).

28 Section 3362 (relating to maximum speed limits).

29 Section 3702 (relating to limitations on backing).

30 Section 3714 (relating to careless driving).

1 Section 3736 (relating to reckless driving).

2 Section 3802 (relating to driving under influence of
3 alcohol or controlled substance).

4 * * *

5 § 3327. Duty of driver in emergency response areas.

6 * * *

7 (e) Fines to be doubled.--In addition to any penalty as
8 provided in subsection (b), the fine for any of the following
9 violations when committed in an emergency response area manned
10 by emergency service responders shall be double the usual
11 amount:

12 Section 3102 (relating to obedience to authorized persons
13 directing traffic).

14 Section 3111 (relating to obedience to traffic-control
15 devices).

16 Section 3114 (relating to flashing signals).

17 Section 3302 (relating to meeting vehicle proceeding in
18 opposite direction).

19 Section 3303 (relating to overtaking vehicle on the
20 left).

21 Section 3304 (relating to overtaking vehicle on the
22 right).

23 Section 3305 (relating to limitations on overtaking on
24 the left).

25 Section 3306 (relating to limitations on driving on left
26 side of roadway).

27 Section 3307 (relating to no-passing zones).

28 Section 3310 (relating to following too closely).

29 Section 3312 (relating to limited access highway
30 entrances and exits).

1 Section 3316(a) (relating to prohibiting use of
2 interactive wireless communication device).

3 Section 3323 (relating to stop signs and yield signs).

4 Section 3325 (relating to duty of driver on approach of
5 emergency vehicle).

6 Section 3361 (relating to driving vehicle at safe speed).

7 Section 3707 (relating to driving or stopping close to
8 fire apparatus).

9 Section 3710 (relating to stopping at intersection or
10 crossing to prevent obstruction).

11 Section 3714 (relating to careless driving).

12 Section 3736 (relating to reckless driving).

13 Section 3802 (relating to driving under influence of
14 alcohol or controlled substance).

15 * * *

16 § 3752. Accident report forms.

17 (a) Form and content.--The department shall prepare and upon
18 request supply to all law enforcement agencies and other
19 appropriate agencies or individuals, forms for written accident
20 reports as required in this subchapter suitable with respect to
21 the persons required to make the reports and the purposes to be
22 served. The written report forms shall call for sufficiently
23 detailed information to disclose with reference to a vehicle
24 accident the cause, conditions then existing and the persons and
25 vehicles involved, including whether the driver of the vehicle
26 was using an interactive wireless communication device when the
27 accident occurred, and such other information as the department
28 may require. Reports for use by the drivers and owners shall
29 also provide for information relating to financial
30 responsibility.

1 * * *

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

4 § 3753. Department to compile, tabulate and analyze accident
5 reports.

6 * * *

7 (b.1) Report on interactive wireless communication
8 devices.--The department shall annually compile and make
9 available to the public information submitted on an accident
10 report concerning the use of interactive wireless communication
11 devices in motor vehicles involved in traffic accidents. The
12 report shall note whether the driver of the motor vehicle was
13 using an interactive wireless communication device when the
14 accident occurred. This data shall also be included in an annual
15 report submitted to the Transportation Committee of the Senate
16 and the Transportation Committee of the House of
17 Representatives.

18 * * *

19 Section 6. Section 6101 of Title 75 is amended to read:

20 § 6101. Applicability and uniformity of title.

21 The provisions of this title shall be applicable and uniform
22 throughout this Commonwealth and in all political subdivisions
23 in this Commonwealth, and no local authority shall enact or
24 enforce any ordinance on a matter covered by the provisions of
25 this title unless expressly authorized. A person charged with
26 violating an ordinance determined to be enacted or enforced in
27 violation of this section shall be awarded court costs and
28 attorneys fees incurred as a result of defending against the
29 charge.

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