

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 2070 Session of  
2009

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MUNDY, BRENNAN, HORNAMAN, FREEMAN, DEASY, BOBACK, KULA,  
BRIGGS, MARSHALL, BEAR, VULAKOVICH, SANTARSIERO, BRADFORD AND  
GALLOWAY, NOVEMBER 9, 2009

SENATOR RAFFERTY, TRANSPORTATION, IN SENATE, AS AMENDED, MARCH  
23, 2010

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 SECTION 1. SECTION 3571(B) OF TITLE 42 OF THE PENNSYLVANIA  
17 CONSOLIDATED STATUTES IS AMENDED TO READ:

18 § 3571. Commonwealth portion of fines, etc.

1 \* \* \*

2 (b) Vehicle offenses.--

3 (1) All fines, forfeited recognizances and other  
4 forfeitures imposed, lost or forfeited in connection with  
5 matters arising under Chapter 77 of Title 75 (relating to  
6 snowmobiles) shall unless otherwise provided in Chapter 77 of  
7 Title 75 be payable to the Commonwealth.

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

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

27 (4) When prosecution under 75 Pa.C.S. § 3802 (relating  
28 to driving under influence of alcohol or controlled  
29 substance) is the result of State Police action, 50% of all  
30 fines, forfeited recognizances and other forfeitures imposed,

1 lost or forfeited shall be payable to the Commonwealth, for  
2 credit to the Motor License Fund, and 50% shall be payable to  
3 the county which shall be further divided as follows:

4 (i) Fifty percent of the moneys received shall be  
5 allocated to the appropriate county authority which  
6 implements the county drug and alcohol program to be used  
7 solely for the purposes of aiding programs promoting drug  
8 abuse and alcoholism prevention, education, treatment and  
9 research.

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

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

24 \* \* \*

25 ~~§ 3573. Municipal corporation portion of fines, etc.~~

26 \* \* \*

27 ~~(b) Vehicle offenses.—~~

28 ~~(1) When prosecution under the provisions of Title 75—~~  
29 ~~(relating to vehicles) for parking is the result of local~~  
30 ~~police action, all fines, forfeited recognizances and other~~

1 ~~forfeitures imposed, lost or forfeited shall be payable to~~  
2 ~~the municipal corporation under which the local police are~~  
3 ~~organized.~~

4 ~~(2) Except as provided in [paragraph (3)] paragraphs (3)~~  
5 ~~and (4), when prosecution under any other provision of Title~~  
6 ~~75 (except Chapter 77 (relating to snowmobiles)) is the~~  
7 ~~result of local police action, one half of all fines,~~  
8 ~~forfeited recognizances and other forfeitures imposed, lost~~  
9 ~~or forfeited shall be payable to the municipal corporation~~  
10 ~~under which the local police are organized.~~

11 ~~(3) When prosecution under 75 Pa.C.S. § 3802 (relating~~  
12 ~~to driving under influence of alcohol or controlled~~  
13 ~~substance) is the result of local police action, 50% of all~~  
14 ~~fines, forfeited recognizances and other forfeitures imposed,~~  
15 ~~lost or forfeited shall be payable to the municipal~~  
16 ~~corporation under which the local police are organized, and~~  
17 ~~50% shall be payable to the county which shall be further~~  
18 ~~divided as follows:~~

19 ~~(i) Fifty percent of the moneys received shall be~~  
20 ~~allocated to the appropriate county authority which~~  
21 ~~implements the county drug and alcohol program to be used~~  
22 ~~solely for the purposes of aiding programs promoting drug~~  
23 ~~abuse and alcoholism prevention, education, treatment and~~  
24 ~~research.~~

25 ~~(ii) Fifty percent of the moneys received shall be~~  
26 ~~used for expenditures incurred for county jails, prisons,~~  
27 ~~workhouses and detention centers.~~

28 ~~(4) When prosecution under 75 Pa.C.S. § 3316 (relating~~  
29 ~~to prohibiting use of interactive wireless communication~~  
30 ~~device) is the result of local police action, 25% of all~~

~~revenue from fines shall be payable to the municipal corporation under which the local police are organized, and 75% shall be payable and is appropriated on a continuing basis to the Department of Transportation for Statewide public education and awareness programs to combat driving under the influence and distracted driving as established by 75 Pa.C.S. § 3316(f).~~

~~\* \* \*~~

Section 2. Section 102 of Title 75 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 communication device." 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 a device being ANY  
OF THE FOLLOWING:

(1) A DEVICE BEING used exclusively as a global positioning or navigation system or a system or device that is physically or electronically integrated into the vehicle.

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

\* \* \*

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

1 § 3316. Prohibiting use of interactive wireless communication  
2 device.

3 (a) Driver restrictions.--

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

7 (i) voice communication through the use of an  
8 interactive wireless communications device while in  
9 hands-free mode;

10 (ii) reading, selecting or entering a telephone  
11 number or name into an interactive wireless communication  
12 device for the purpose of voice communication; or

13 (iii) utilizing a global positioning or navigation  
14 system.

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

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

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

24 (2) A driver using an interactive wireless communication  
25 device when the vehicle is stopped due to a traffic  
26 obstruction and the motor vehicle transmission is in neutral  
27 or park.

28 (3) Operators of emergency vehicles who use an  
29 interactive wireless communications device for voice  
30 communication for the purpose of responding to an emergency

1 while engaged in the performance of their official duties.

2 (4) Volunteer emergency responders who use an  
3 interactive wireless communications device for voice  
4 communication for the purpose of responding to an emergency  
5 while engaged in the performance of their official duties.

6 (5) AMATEUR RADIO OPERATORS OR CITIZENS BAND RADIO  
7 OPERATORS WHO USE AN INTERACTIVE WIRELESS COMMUNICATION  
8 DEVICE FOR VOICE COMMUNICATION FOR THE PURPOSE OF RESPONDING  
9 TO AN EMERGENCY WHILE ENGAGED IN THE PERFORMANCE OF THEIR  
10 OFFICIAL DUTIES.

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

14 (d) Penalty.--

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

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

27 (e) Public education and awareness program.--The department  
28 shall develop and maintain Statewide public education and  
29 awareness programs to combat distracted driving and driving  
30 under the influence and promote awareness of the provisions of

1 this section subject to available funding.

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

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

9 (h) Department to compile report.--The department shall  
10 annually compile and make available to the Transportation  
11 Committee of the Senate and the Transportation Committee of the  
12 House of Representatives a report detailing the public education  
13 efforts to combat distracted driving and driving under the  
14 influence and promote awareness of the provisions of this  
15 section.

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

19 "Hands-free mode." The use of an interactive wireless  
20 communications device that allows the user to engage in  
21 communication without the use of either hand by means of an  
22 internal feature or function or an attachment or device.

23 "Volunteer emergency responder." Any of the following:

24 (1) A member of a volunteer ambulance service as defined  
25 in section 102 of the act of July 31, 2003 (P.L.73, No.17),  
26 known as the Volunteer Fire Company and Volunteer Ambulance  
27 Service Grant Act.

28 (2) A member of a volunteer fire company as defined in  
29 section 102 of the Volunteer Fire Company and Volunteer  
30 Ambulance Service Grant Act.



1       (3) A member of a volunteer rescue company as defined in  
2       section 102 of the Volunteer Fire Company and Volunteer  
3       Ambulance Service Grant Act.

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

6   § 3326. Duty of driver in construction and maintenance areas or  
7       on highway safety corridors.

8       \* \* \*

9       (c) Fines to be doubled.--For any of the following  
10 violations, when committed in an active work zone manned by  
11 workers acting in their official capacity or on a highway safety  
12 corridor designated under section 6105.1 (relating to  
13 designation of highway safety corridors), the fine shall be  
14 double the usual amount:

15       Section 3102 (relating to obedience to authorized persons  
16 directing traffic).

17       Section 3111 (relating to obedience to traffic-control  
18 devices).

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

20       Section 3114 (relating to flashing signals).

21       Section 3302 (relating to meeting vehicle proceeding in  
22 opposite direction).

23       Section 3303 (relating to overtaking vehicle on the  
24 left).

25       Section 3304 (relating to overtaking vehicle on the  
26 right).

27       Section 3305 (relating to limitations on overtaking on  
28 the left).

29       Section 3306 (relating to limitations on driving on left  
30 side of roadway).

1           Section 3307 (relating to no-passing zones).  
2           Section 3309 (relating to driving on roadways laned for  
3 traffic).  
4           Section 3310 (relating to following too closely).  
5           Section 3316(a) (relating to prohibiting use of  
6 interactive wireless communication device).  
7           Section 3323 (relating to stop signs and yield signs).  
8           Section 3326 (relating to duty of driver in construction  
9 and maintenance areas or on highway safety corridors).  
10          Section 3361 (relating to driving vehicle at safe speed).  
11          Section 3362 (relating to maximum speed limits).  
12          Section 3702 (relating to limitations on backing).  
13          Section 3714 (relating to careless driving).  
14          Section 3736 (relating to reckless driving).  
15          Section 3802 (relating to driving under influence of  
16 alcohol or controlled substance).  
17          \* \* \*  
18 § 3327. Duty of driver in emergency response areas.  
19          \* \* \*  
20          (e) Fines to be doubled.--In addition to any penalty as  
21 provided in subsection (b), the fine for any of the following  
22 violations when committed in an emergency response area manned  
23 by emergency service responders shall be double the usual  
24 amount:  
25          Section 3102 (relating to obedience to authorized persons  
26 directing traffic).  
27          Section 3111 (relating to obedience to traffic-control  
28 devices).  
29          Section 3114 (relating to flashing signals).  
30          Section 3302 (relating to meeting vehicle proceeding in

opposite direction).

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

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

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

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

Section 3307 (relating to no-passing zones).

Section 3310 (relating to following too closely).

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

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

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

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

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

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

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

Section 3714 (relating to careless driving).

Section 3736 (relating to reckless driving).

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

\* \* \*

§ 3752. Accident report forms.

(a) Form and content.--The department shall prepare and upon

request supply to all law enforcement agencies and other appropriate agencies or individuals, forms for written accident reports as required in this subchapter suitable with respect to the persons required to make the reports and the purposes to be served. The written report forms shall call for sufficiently detailed information to disclose with reference to a vehicle accident the cause, conditions then existing and the persons and vehicles involved, including whether the driver of the vehicle was using an interactive wireless communication device when the accident occurred, and such other information as the department may require. Reports for use by the drivers and owners shall also provide for information relating to financial responsibility.

\* \* \*

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

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

\* \* \*

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

1       \* \* \*

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

3   § 6101. Applicability and uniformity of title.

4       The provisions of this title shall be applicable and uniform  
5 throughout this Commonwealth and in all political subdivisions  
6 in this Commonwealth, and no local authority shall enact or  
7 enforce any ordinance on a matter covered by the provisions of  
8 this title unless expressly authorized. A person charged with  
9 violating an ordinance determined to be enacted or enforced in  
10 violation of this section shall be awarded court costs and  
11 attorneys fees incurred as a result of defending against the  
12 charge.

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