

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 978 Session of 2013

INTRODUCED BY KORTZ, DAVIS, D. COSTA, RAVENSTAHL, SCHLOSSBERG,
DeLUCA, SWANGER, FARINA, HESS AND MOLCHANY, MARCH 12, 2013

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 12, 2013

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in rules of the road in general, prohibiting
3 interactive wireless communications devices in work zones.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 75 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 3317. Prohibiting interactive wireless communications devices
9 in work zones.

10 (a) General rule.--No driver shall operate a motor vehicle
11 on a highway or trafficway within a work zone while using an
12 interactive wireless communications device.

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

14 (1) Law enforcement officers and operators of emergency
15 vehicles when on duty and acting in their official
16 capacities.

17 (2) Persons who are reporting an accident or emergency.

18 (3) Drivers who are using a hands-free interactive

1 wireless communications device.

2 (c) Posting.--The department shall post a work zone with
3 signs designating the restriction.

4 (d) Penalty.--

5 (1) A person who violates subsection (a) commits a
6 summary offense and shall, upon conviction, be sentenced to
7 pay a fine of \$100.

8 (2) A conviction under this section shall not constitute
9 a moving violation unless:

10 (i) The offense involves an accident.

11 (ii) The offense is a second or subsequent violation
12 in less than one calendar year.

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

16 "Hands-free interactive wireless communications device." An
17 interactive wireless communications device that has an internal
18 feature or is equipped with an attachment or addition, whether
19 permanently part of the interactive wireless communications
20 device, by which a user engages in a voice or data communication
21 without the use of either hand and regardless of whether either
22 hand is used to activate, deactivate or initiate a function of
23 the interactive wireless communications device.

24 "Interactive wireless communications device." A wireless
25 electronic communications device that provides for voice or data
26 communication between two or more parties, including, but not
27 limited to, a mobile or cellular telephone, a text messaging
28 device, a personal digital assistant that sends or receives
29 messages or a laptop computer. The term does not include a
30 citizens band radio, a two-way radio communication device or a

1 device that is permanently affixed during operation to a bus or
2 school bus.

3 Section 2. This act shall take effect in 60 days.