

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1684 Session of  
2017

INTRODUCED BY R. BROWN, BOBACK, D. COSTA, SCHLEGEL CULVER,  
DeLUCA, EMRICK, W. KELLER, MARSHALL, MENTZER, MILLARD,  
O'NEILL, SCHLOSSBERG, SOLOMON, STAATS, STURLA, TOOIL AND  
WATSON, JULY 27, 2017

REFERRED TO COMMITTEE ON TRANSPORTATION, JULY 27, 2017

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, in licensing of drivers, further providing for  
3 schedule of convictions and points; in rules of the road in  
4 general, prohibiting calls on hand-held mobile telephones;  
5 and imposing a penalty.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Section 1535(a) of Title 75 of the Pennsylvania  
9 Consolidated Statutes is amended to read:

10 § 1535. Schedule of convictions and points.

11 (a) General rule.--A point system for driver education and  
12 control is hereby established which is related to other  
13 provisions for use, suspension and revocation of the operating  
14 privilege as specified under this title. Every driver licensed  
15 in this Commonwealth who is convicted of any of the following  
16 offenses shall be assessed points as of the date of violation in  
17 accordance with the following schedule:

18 Section Number	Offense	Points
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1	1512	Violation of restriction on	
2		driver's license.	2
3	1571	Violation concerning license.	3
4	3102	Failure to obey policeman or	
5		authorized person.	2
6	3111.1	Obedience to traffic-control	
7		devices warning of hazardous	
8		conditions.	2
9	3112(a)(3)(i)	Failure to stop for a red	
10	or (ii)	light.	3
11	3114(a)(1)	Failure to stop for a flashing	
12		red light.	3
13	3302	Failure to yield half of	
14		roadway to oncoming vehicle.	3
15	3303	Improper passing.	3
16	3304	Other improper passing.	3
17	3305	Other improper passing.	3
18	3306(a)(1)	Other improper passing.	4
19	3306(a)(2)	Other improper passing.	3
20	3306(a)(3)	Other improper passing.	3
21	3307	Other improper passing.	3
22	3310	Following too closely.	3
23	<u>3317</u>	<u>Prohibiting calls on hand-held</u>	
24		<u>mobile telephones.</u>	<u>3</u>
25	3321	Failure to yield to driver on	
26		the right at intersection.	3
27	3322	Failure to yield to oncoming	
28		driver when making left turn.	3
29	3323(b)	Failure to stop for stop sign.	3
30	3323(c)	Failure to yield at yield	3

1		sign.	
2	3324	Failure to yield when entering	
3		or crossing roadway between	
4		intersections.	3
5	3332	Improper turning around.	3
6	3341(a)	Failure to obey signal	
7		indicating approach of train.	2
8	3341(b)	Failure to comply with	
9		crossing gate or barrier.	4
10		(and 30 days' suspension)	
11	3342(b) or (e)	Failure to stop at railroad	
12		crossings.	4
13	3344	Failure to stop when entering	
14		from alley, driveway or	
15		building.	3
16	3345(a)	Failure to stop for school bus	
17		with flashing red lights.	5
18		(and 60 days' suspension)	
19	3361	Driving too fast for	
20		conditions.	2
21	3362	Exceeding maximum speed.--Over	
22		Limit:	
23		6-10	2
24		11-15	3
25		16-25	4
26		26-30	5
27		31-over	5
28		(and departmental hearing	
29		and sanctions provided	
30		under section 1538(d))	

1	3365 (b)	Exceeding special speed limit	
2		in school zone.	3
3		(and 60 days' suspension	
4		for a second or subsequent	
5		offense)	
6	3365 (c)	Exceeding special speed limit	
7		for trucks on downgrades.	3
8	3542 (a)	Failure to yield to pedestrian	
9		in crosswalk.	2
10	3547	Failure to yield to pedestrian	
11		on sidewalk.	3
12	3549 (a)	Failure to yield to blind	
13		pedestrian.	3
14	3702	Improper backing.	3
15	3714 (a)	Careless driving.	3
16	3745	Leaving scene of accident	
17		involving property damage	
18		only.	4

19 \* \* \*

20 Section 2. Title 75 is amended by adding a section to read:

21 § 3317. Prohibiting calls on hand-held mobile telephones.

22 (a) Prohibitions.--

23 (1) Except as otherwise provided in this section, no  
24 person shall operate a motor vehicle on a highway or  
25 trafficway in this Commonwealth while using a hand-held  
26 mobile telephone to engage in a call while the vehicle is in  
27 motion.

28 (2) No person under 18 years of age shall use any hand-  
29 held mobile telephone, including one with a hands-free  
30 accessory, while operating a moving motor vehicle on a

1 highway or trafficway in this Commonwealth.

2 (b) Presumption.--

3 (1) An operator of a motor vehicle who holds a hand-held  
4 mobile telephone to or in the immediate proximity of the  
5 operator's ear while the motor vehicle is in motion is  
6 presumed to be engaging in a call within the meaning of this  
7 section.

8 (2) The presumption established by this subsection is  
9 rebuttable by evidence which shows that the operator was not  
10 engaged in a call.

11 (3) The provisions of this subsection shall not be  
12 construed as authorizing the seizure or forfeiture of a hand-  
13 held mobile telephone or a mobile electronic device, unless  
14 otherwise provided by law.

15 (c) Nonapplicability.--Subsection (a) shall not apply to:

16 (1) The use of a hand-held mobile telephone for the sole  
17 purpose of communicating with any of the following regarding  
18 an emergency situation if the vehicle is not equipped with  
19 hands-free technology:

20 (i) a fire department; or

21 (ii) a police department.

22 (2) Any of the following persons while in the  
23 performance of their official duties and within the scope of  
24 their employment if the vehicle is not equipped with hands-  
25 free technology:

26 (i) a law enforcement officer;

27 (ii) a first responder; or

28 (iii) a member of the armed forces of the United  
29 States while operating a military vehicle.

30 (3) The use of a hand-held radio by a person with an

1 amateur radio station license issued by the Federal  
2 Communications Commission.

3 (4) The use of a hands-free mobile telephone.

4 (d) Penalty.--A person who violates subsection (a) commits a  
5 summary offense and shall, upon conviction, be sentenced to pay  
6 a fine of \$50. A person who commits a second or subsequent  
7 offense shall, upon conviction, be sentenced to pay a fine of  
8 \$100.

9 (e) Definitions.--As used in this section, the following  
10 words and phrases shall have the meanings given to them in this  
11 subsection unless the context clearly indicates otherwise:

12 "Engage in a call." Talking into or listening on a hand-held  
13 mobile telephone. The term does not include holding a hand-held  
14 mobile telephone to activate, deactivate or initiate a function  
15 of the telephone.

16 "Hand-held mobile telephone." A mobile telephone with which  
17 a user engages in a call using at least one hand.

18 "Hands-free accessory." An attachment, add-on, built-in  
19 feature or addition to a mobile telephone, whether or not  
20 permanently installed in a motor vehicle, that when used allows  
21 the vehicle operator to maintain both hands on the steering  
22 wheel.

23 "Hands-free mobile telephone." A hand-held mobile telephone  
24 that has an internal feature or function or that is equipped  
25 with an attachment or addition, whether or not permanently part  
26 of the hand-held mobile telephone, by which a user engages in a  
27 call without the use of either hand, whether or not the use of  
28 either hand is necessary to activate, deactivate or initiate a  
29 function of the telephone.

30 "Immediate proximity." The distance that permits an operator

1 of a hand-held mobile telephone to hear telecommunications  
2 transmitted over the hand-held mobile telephone, but does not  
3 require physical contact with the operator's ear.

4 "Mobile telephone." A cellular, analog, wireless or digital  
5 telephone capable of sending or receiving telephone  
6 communications without an access line for service.

7 "Using" or "use." Holding a hand-held mobile telephone to or  
8 in the immediate proximity of the user's ear.

9 Section 3. This act shall take effect in 180 days.