



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

HOUSE BILL NO. 37

PRINTERS NO. 3136 PRIME SPONSOR: Brown

### COST / (SAVINGS)

FUND	FY 2019/20	FY 2020/21
Commonwealth Funds	See "Fiscal Impact"	See "Fiscal Impact"
Municipal Funds	See "Fiscal Impact"	See "Fiscal Impact"

**SUMMARY:** Prohibits a driver from using an interactive wireless communications device while a motor vehicle is in motion. This legislation would take effect in 180 days.

**ANALYSIS:** This legislation amends Title 75 (Vehicle Code) to prohibit a person from operating a motor vehicle on a highway or trafficway in this Commonwealth while using an interactive wireless communications device while the vehicle is in motion.

Section 1505 (relating to Learner's permits) is amended to require a parent, guardian, person in loco parentis, or spouse of a married minor to certify that the minor has viewed educational materials on the dangers of distracted driving, which may include written, electronic or video materials prior to taking the examination for a junior driver's license.

Section 1508 (relating to Examination of applicant for driver's license) is amended to provide that the traffic law examination shall contain at least one question relating to the driver's ability to understand the effects of distracted driving on highway safety or the new section relating to the prohibited use of interactive wireless communication devices. The legislation also provides that the driver's manual shall include a section relating to distracted driving, along with the related penalties.

Section 3316 (relating to prohibiting text-based communications) is repealed to eliminate the current texting while driving ban which is a summary offense with a \$50 fine.

Section 3318 (relating to prohibiting use of interactive wireless communications devices) is created to prohibit a person from operating a motor vehicle on a highway or trafficway in this Commonwealth while using an interactive wireless communications device while the vehicle is in motion with the following provisions:

- Any adult licensed driver may use the device to communicate with a law enforcement official or other emergency service.
- Any person under 18 years of age is prohibited from using such device while operating a moving motor vehicle on a highway or trafficway in this Commonwealth unless the vehicle is stopped outside of the roadway, to communicate with a law enforcement official or other emergency service, or the device is being used as a global positioning or navigation system.

The penalty is a summary offense with a fine of \$150 with no costs or surcharges and a conviction shall occur only if the person is also convicted of another violation of the Vehicle Code which occurred at the same time. If a prosecution is the result of PA State Police action, all fine revenue shall be deposited in the Motor License Fund. If a prosecution is the result of local police action, \$12.50 shall be payable to the municipal corporation under which the local police are organized and the remaining amount shall be deposited in the Motor License fund.

PennDOT is required to install official traffic-control devices to alert motorists of the hand-held prohibitions at high-volume, entry ways in the Commonwealth, which shall be installed and maintained for a period of no less than five years.

Nothing in this section shall be construed to authorize the seizure or forfeiture of an interactive wireless communications device or hands-free interactive wireless communications device unless otherwise provided by law.

All local ordinances with regard to the use of an interactive wireless communications device while driving are preempted.

Section 3732 (relating to homicide by vehicle) is amended to add the possibility of an enhanced penalty of up to 5 years imprisonment for a person who is convicted of homicide by vehicle and operating a motor vehicle on a highway or trafficway while using an interactive wireless communications device while the vehicle is in motion.

Section 3732.1 (relating to aggravated assault by vehicle) to add the possibility of an enhanced penalty of up to 2 years imprisonment for a person who is convicted of aggravated assault by vehicle and operating a motor vehicle on a highway or

trafficway while using an interactive wireless communications device while the vehicle is in motion.

**FISCAL IMPACT:** With the addition of a new Vehicle Code violation, the new fine creates the likelihood of new revenue for the Commonwealth. Specifically, a violation that is enforced by the State Police would be deposited into the Motor License Fund along with a portion of the fine revenue from municipal police. Any estimate of that revenue is indeterminable at this point.

Under the legislation, PennDOT would be required to install official traffic-control devices to alert the motoring public of the hand-held prohibitions at high-volume, entry ways in the Commonwealth. Those costs can be absorbed utilizing existing funds.

In the event that a municipality enforces the violation, that municipality would keep \$12.50 of that fine with the remainder of that fine being deposited into the Motor License Fund. Any estimate of those revenues are indeterminable at this point.

The remainder of this legislation would have no adverse fiscal impact on Commonwealth or municipal funds. Violations under Section 3318 that would also occur under Section 3732 or 3732.1, which would carry a sentencing enhancement, are expected to be minimal.

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**DATE:** January 14, 2020

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*