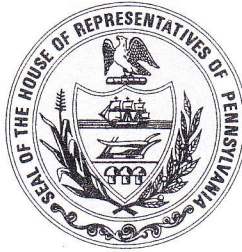


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MEMORANDUM

To: All House Members
From: Rep. Tony DeLuca
Date: September 21, 2012
Subject: Co-Sponsorship of Legislation to Allow Municipalities to Adopt Local Ordinances Prohibiting the Use of Cell Phones While Driving

In the near future, I will introduce legislation that will allow municipalities to enact local ordinances banning the use of cell phones while driving.

As you are all aware, earlier this session the General Assembly overwhelmingly passed Act 98, which prohibited texting while driving. Act 98 also contained language preempting municipal ordinances which prohibited texting while driving. However, this preemption language voided all municipal ordinances that prohibited "talking" or "texting" on a cell phone while driving.

During the House's debate on Act 98 the Majority Leader stated that he intended to bring up legislation dealing with the issue of talking on a cell phone while driving. However, we are nearly a year removed from that debate and no such bill has been considered. Because it appears the General Assembly will not take up this issue in the near future, I believe we should turn the issue back over to the control of local officials who best know the needs of their communities.

My legislation will allow municipalities to enact local ordinances prohibiting people from talking on a cell phone while driving by clarifying the preemption clause in Act 98. Municipalities would still be prohibited from adopting or enforcing any local ordinance that deals with the texting while driving issue. I believe this legislation will provide municipalities with a valuable public safety tool, especially in light of the General Assembly's inability to enact legislation banning the use of cell phones while driving.

If you wish to join me in co-sponsoring this important legislation, please contact Sean Brennan in my office at 787-4437 or sbrennan@pahouse.net.