

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for the offense of careless
3 driving; establishing the Driver Distraction Awareness Fund;
4 and providing for additional duties of the Department of
5 Transportation.

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

8 Section 1. Section 3714 of Title 75 of the Pennsylvania
9 Consolidated Statutes is amended to read:

10 § 3714. Careless driving.

11 (a) General rule.--Any person who drives a vehicle in
12 careless disregard for the safety of persons or property is
13 guilty of careless driving, a summary offense.

14 (b) Unintentional death.--If the person who violates this
15 section unintentionally causes the death of another person as a
16 result of the violation, the person shall, upon conviction, be
17 sentenced to pay a fine of \$500.

18 (c) Serious bodily injury.--If the person who violates this
19 section unintentionally causes the serious bodily injury of

1 another person as a result of the violation, the person shall,
2 upon conviction, be sentenced to pay a fine of \$250.

3 (c.1) Additional fine for distracted driver.--

4 (1) A person who violates this section and at the time
5 of the violation is distracted by the use of any of the
6 following, including, but not limited to:

- 7 (i) an interactive wireless communications device;
- 8 (ii) an electronic, electrical or mechanical device;
- 9 (iii) a personal grooming device;
- 10 (iv) food;
- 11 (v) drink; or
- 12 (vi) any printed material,

13 shall in addition to any other penalty imposed be sentenced
14 to pay a fine of \$50.

15 (2) The provisions of this subsection shall not apply to
16 any person unless the person is convicted under subsection
17 (a) for a violation that occurred at the same time. No costs
18 as described under 42 Pa.C.S. § 1725.1 (relating to costs)
19 may be imposed on account of any increased fine under this
20 subsection. Application of this subsection shall not
21 constitute a moving violation.

22 (3) Fines collected under this subsection shall be paid
23 to the Commonwealth for deposit into the Driver Distraction
24 Awareness Fund.

25 (c.2) Report.--The department shall submit to the General
26 Assembly a report on the effects of subsection (c.1) by August
27 31, 2014.

28 (d) Definitions.--As used in this section, the following
29 words and phrases shall have the meanings given to them in this
30 subsection unless the context clearly indicates otherwise:

1 "Distracted." Having a person's attention diverted from
2 operating a vehicle by any task or item.

3 "Interactive wireless communications device." A wireless
4 telephone, personal digital assistant, smart phone, portable or
5 mobile computer or similar device that can be used for voice
6 communication, texting, e-mailing, browsing the Internet or
7 instant messaging. The term does not include any of the
8 following:

9 (1) a device being used exclusively as a global
10 positioning or navigation system;

11 (2) a system or device that is physically or
12 electronically integrated into the vehicle; or

13 (3) a communication device that is affixed to a mass
14 transit vehicle, bus or school bus.

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

16 § 3714.1. Driver Distraction Awareness Fund.

17 (a) Fund established.--The Driver Distraction Awareness Fund
18 is established in the Motor License Fund as a special restricted
19 receipts account hereby earmarked for and appropriated to the
20 department. This fund shall consist of all fines deposited
21 pursuant to section 3714(c.1) (relating to careless driving),
22 all Federal funds granted for that use and any moneys donated
23 into the fund. The fund shall be used solely for the purpose of
24 the educational program established in subsection (b).

25 (b) Educational program.--The department shall initiate an
26 educational program to begin immediately to alert the public to
27 the provisions of section 3714(c.1) and the requirements and
28 penalties specified in section 3714(c.1). The program shall also
29 encourage motorists to eliminate distractions in the vehicle as
30 a means of reducing the risk of harm to themselves as well as to

1 others.

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