

## AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further defining "interactive wireless  
3 communications device"; prohibiting use of interactive  
4 wireless communications device; and further providing for  
5 duty of driver in construction and maintenance areas or on  
6 highway safety corridors and for duty of driver in emergency  
7 response areas.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. The definition of "interactive wireless  
11 communications device" in section 102 of Title 75 of the  
12 Pennsylvania Consolidated Statutes is amended to read:

13 § 102. Definitions.

14 Subject to additional definitions contained in subsequent  
15 provisions of this title which are applicable to specific  
16 provisions of this title, the following words and phrases when  
17 used in this title shall have, unless the context clearly  
18 indicates otherwise, the meanings given to them in this section:

19 \* \* \*

20 "Interactive wireless communications device." A wireless

1 telephone, personal digital assistant, smart phone, portable or  
2 mobile computer or similar device which can be used for voice  
3 communication, texting, e-mailing, browsing the Internet or  
4 instant messaging. The term does not include any of the  
5 following:

6 (1) a device being used exclusively as a global  
7 positioning or navigation system;

8 (2) a system or device that is physically or  
9 electronically integrated into the vehicle; [or]

10 (3) a communications device that is affixed to a mass  
11 transit vehicle, bus or school bus[.]; or

12 (4) an amateur radio or a citizens band radio.

13 \* \* \*

14 Section 2. Section 3316 of Title 75 is amended to read:

15 § 3316. Prohibiting [text-based communications] use of  
16 interactive wireless communications device.

17 (a) Prohibition.-- [No driver]

18 (1) Except as provided in subsection (b), no person  
19 shall [operate] drive a motor vehicle on a [highway] roadway  
20 or trafficway in this Commonwealth while using an interactive  
21 wireless communications device [to send, read or write a  
22 text-based communication while the vehicle is in motion. A  
23 person does not send, read or write a text-based  
24 communication when the person reads, selects or enters a  
25 telephone number or name in an interactive wireless  
26 communications device for the purpose of activating or  
27 deactivating a voice communication or a telephone call.] for  
28 a purpose other than:

29 (i) voice communication through the use of an  
30 interactive wireless communications device while in

1 hands-free mode;

2 (ii) reading, selecting or entering a telephone  
3 number or name into an interactive wireless  
4 communications device for the purpose of voice  
5 communication; or

6 (iii) utilizing a global positioning or navigation  
7 system.

8 (2) No person with a learner's permit or junior driver's  
9 license shall drive a motor vehicle upon a roadway or  
10 trafficway in this Commonwealth while using an interactive  
11 wireless communications device.

12 (b) [(Reserved).] Exceptions.--This section shall not apply  
13 to:

14 (1) A person using an interactive wireless  
15 communications device to contact a 911 system or wireless E-  
16 911 service, as defined in 35 Pa.C.S. § 5302 (relating to  
17 definitions).

18 (2) A person using an interactive wireless  
19 communications device when the vehicle is stopped due to a  
20 traffic obstruction and the motor vehicle transmission is in  
21 neutral or park.

22 (3) Operators of emergency vehicles who use an  
23 interactive wireless communications device for voice  
24 communication for the purpose of responding to an emergency  
25 while engaged in the performance of their official duties.

26 (4) Volunteer emergency responders who use an  
27 interactive wireless communications device for voice  
28 communication for the purpose of responding to an emergency  
29 while engaged in the performance of their official duties.

30 (c) Seizure.--The provisions of this section shall not be

1 construed as authorizing the seizure or forfeiture of an  
2 interactive wireless communications device, unless otherwise  
3 provided by law.

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 \$50.

8 (2) A person who violates subsection (a) while passing  
9 through a school zone, as defined and provided under the  
10 regulations of the department, commits a summary offense and  
11 shall, upon conviction, be sentenced to pay a fine of \$100.  
12 An official traffic-control device shall indicate the  
13 beginning and end of each school zone to traffic approaching  
14 in each direction. Establishment of a school zone, including  
15 its location and hours of operation, shall be approved by the  
16 department.

17 (e) Preemption of local ordinances.--In accordance with  
18 section 6101 (relating to applicability and uniformity of  
19 title), this section supersedes and preempts all ordinances of  
20 any municipality with regard to the use of an interactive  
21 wireless communications device by the driver of a motor vehicle.

22 (e.1) Public education and awareness programs.--The  
23 department shall develop and maintain Statewide public education  
24 and awareness programs to combat distracted driving and promote  
25 awareness of the provisions of this section.

26 (f) [Definition.--As used in this section, the term "text-  
27 based communication" means a text message, instant message,  
28 electronic mail or other written communication composed or  
29 received on an interactive wireless communications device.]

30 Definitions.--As used in this section, the following words and

1 phrases shall have the meanings given to them in this subsection  
2 unless the context clearly indicates otherwise:

3 "Hands-free mode." The use of an interactive wireless  
4 communications device that allows the user to engage in  
5 communication without the use of either hand by means of an  
6 internal feature or function or an attachment or device.

7 "Volunteer emergency responder." Any of the following:

8 (1) A member of a volunteer ambulance service as defined  
9 in 35 Pa.C.S. § 7363 (relating to definitions).

10 (2) A member of a volunteer fire company as defined in  
11 35 Pa.C.S. § 7363.

12 (3) A member of a volunteer rescue service as defined in  
13 35 Pa.C.S. § 7363.

14 Section 3. Sections 3326(c) and 3327(e) of Title 75 are  
15 amended to read:

16 § 3326. Duty of driver in construction and maintenance areas or  
17 on highway safety corridors.

18 \* \* \*

19 (c) Fines to be doubled.--For any of the following  
20 violations, when committed in an active work zone manned by  
21 workers acting in their official capacity or on a highway safety  
22 corridor designated under section 6105.1 (relating to  
23 designation of highway safety corridors), the fine shall be  
24 double the usual amount:

25 Section 3102 (relating to obedience to authorized persons  
26 directing traffic).

27 Section 3111 (relating to obedience to traffic-control  
28 devices).

29 Section 3112 (relating to traffic-control signals).

30 Section 3114 (relating to flashing signals).

1 Section 3302 (relating to meeting vehicle proceeding in  
2 opposite direction).

3 Section 3303 (relating to overtaking vehicle on the left).

4 Section 3304 (relating to overtaking vehicle on the right).

5 Section 3305 (relating to limitations on overtaking on the  
6 left).

7 Section 3306 (relating to limitations on driving on left side  
8 of roadway).

9 Section 3307 (relating to no-passing zones).

10 Section 3309 (relating to driving on roadways laned for  
11 traffic).

12 Section 3310 (relating to following too closely).

13 Section 3316 (relating to prohibiting use of interactive  
14 wireless communications device).

15 Section 3323 (relating to stop signs and yield signs).

16 Section 3326 (relating to duty of driver in construction and  
17 maintenance areas or on highway safety corridors).

18 Section 3361 (relating to driving vehicle at safe speed).

19 Section 3362 (relating to maximum speed limits).

20 Section 3702 (relating to limitations on backing).

21 Section 3714 (relating to careless driving).

22 Section 3736 (relating to reckless driving).

23 Section 3802 (relating to driving under influence of alcohol  
24 or controlled substance).

25 \* \* \*

26 § 3327. Duty of driver in emergency response areas.

27 \* \* \*

28 (e) Fines to be doubled.--In addition to any penalty as  
29 provided in subsection (b), the fine for any of the following  
30 violations when committed in an emergency response area manned

1 by emergency service responders shall be double the usual  
2 amount:

3 Section 3102 (relating to obedience to authorized persons  
4 directing traffic).

5 Section 3111 (relating to obedience to traffic-control  
6 devices).

7 Section 3114 (relating to flashing signals).

8 Section 3302 (relating to meeting vehicle proceeding in  
9 opposite direction).

10 Section 3303 (relating to overtaking vehicle on the left).

11 Section 3304 (relating to overtaking vehicle on the right).

12 Section 3305 (relating to limitations on overtaking on the  
13 left).

14 Section 3306 (relating to limitations on driving on left side  
15 of roadway).

16 Section 3307 (relating to no-passing zones).

17 Section 3310 (relating to following too closely).

18 Section 3312 (relating to limited access highway entrances  
19 and exits).

20 Section 3316 (relating to prohibiting use of interactive  
21 wireless communications device).

22 Section 3323 (relating to stop signs and yield signs).

23 Section 3325 (relating to duty of driver on approach of  
24 emergency vehicle).

25 Section 3361 (relating to driving vehicle at safe speed).

26 Section 3707 (relating to driving or stopping close to fire  
27 apparatus).

28 Section 3710 (relating to stopping at intersection or  
29 crossing to prevent obstruction).

30 Section 3714 (relating to careless driving).

1 Section 3736 (relating to reckless driving).

2 Section 3802 (relating to driving under influence of alcohol  
3 or controlled substance).

4 \* \* \*

5 Section 4. This act shall take effect in 60 days.