

## AMENDMENTS TO HOUSE BILL NO. 37

Sponsor: REPRESENTATIVE HENNESSEY

Printer's No. 356

1 Amend Bill, page 1, line 4, by inserting after "general,"  
2 repealing provisions relating to prohibiting text-based  
3 communications,

4 Amend Bill, page 3, by inserting between lines 17 and 18

5 Section 3. Section 3316 of Title 75 is repealed:

6 [§ 3316. Prohibiting text-based communications.

7 (a) Prohibition.--No driver shall operate a motor vehicle on  
8 a highway or trafficway in this Commonwealth while using an  
9 interactive wireless communications device to send, read or  
10 write a text-based communication while the vehicle is in motion.  
11 A person does not send, read or write a text-based communication  
12 when the person reads, selects or enters a telephone number or  
13 name in an interactive wireless communications device for the  
14 purpose of activating or deactivating a voice communication or a  
15 telephone call.

16 (b) (Reserved).

17 (c) Seizure.--The provisions of this section shall not be  
18 construed as authorizing the seizure or forfeiture of an  
19 interactive wireless communications device, unless otherwise  
20 provided by law.

21 (d) Penalty.--A person who violates subsection (a) commits a  
22 summary offense and shall, upon conviction, be sentenced to pay  
23 a fine of \$50.

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

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

33 Amend Bill, page 3, line 18, by striking out "3" and  
34 inserting

35 4

Amend Bill, page 4, line 1, by striking out the period after  
"off" and inserting

or to enable the function of a hands-free interactive  
wireless communications device that allows the user to engage  
in a call without the use of either hand.

Amend Bill, page 4, line 4, by inserting after "accessory,"  
or operate a hands-free wireless communications device

Amend Bill, page 4, line 20, by inserting after "(a)(2)"  
and (3)

Amend Bill, page 4, line 22, by inserting after "device"  
, including by a person under 18 years of age,

Amend Bill, page 5, lines 18 and 19, by striking out "into  
the Distracted Driver" in line 18 and all of line 19 and  
inserting

as follows:

(A) The first \$5,000,000 collected within any  
fiscal year shall be deposited into the Distracted  
Driver Awareness Fund.

(B) After the deposit in clause (A) is made, the  
remaining amount shall be deposited into the  
Multimodal Transportation Fund to be used exclusively  
for the purposes of 74 Pa.C.S. § 2104(a)(4) (relating  
to use of money in fund).

Amend Bill, page 5, by inserting between lines 28 and 29

(e) Seizure.--The provisions of this section shall not be  
construed as authorizing the seizure or forfeiture of an  
interactive wireless communications device or hands-free  
interactive wireless communications device, unless otherwise  
provided by law.

(f) Preemption of local ordinances.--In accordance with  
section 6101 (relating to applicability and uniformity of  
title), this section supersedes and preempts all ordinances of  
any municipality with regard to the use of an interactive  
wireless communications device or hands-free interactive  
wireless communications device by the driver of a motor vehicle.

Amend Bill, page 5, line 29, by striking out "(e)" and  
inserting

(g)

Amend Bill, page 6, line 14, by striking out "telephone" and

1 inserting

2 interactive wireless communications device

3 Amend Bill, page 7, by inserting between lines 13 and 14

4 (d) Unused money.--Any money in the fund which is  
5 unexpended, uncommitted and unencumbered at the end of a fiscal  
6 year shall be transferred to the Multimodal Transportation Fund  
7 for the purposes of 74 Pa.C.S. § 2104(a)(4) (relating to use of  
8 money in fund).

9 Amend Bill, page 7, line 14, by striking out "(d)" and

10 inserting

11 (e)

12 Amend Bill, page 7, line 18, by striking out "(e)" and

13 inserting

14 (f)

15 Amend Bill, page 7, line 20, by striking out "4" and

16 inserting

17 5

18 Amend Bill, page 8, line 1, by inserting a bracket before

19 "3316"

20 Amend Bill, page 8, line 2, by inserting a bracket after

21 "communications),"

22 Amend Bill, page 8, line 14, by inserting a bracket before

23 "3316,"

24 Amend Bill, page 8, line 14, by inserting a bracket after

25 "3316,"

26 Amend Bill, page 8, line 23, by inserting a bracket before

27 "3316"

28 Amend Bill, page 8, line 24, by inserting a bracket after

29 "communications),"

30 Amend Bill, page 9, line 6, by inserting a bracket before

1 "3316,"

2 Amend Bill, page 9, line 6, by inserting a bracket after

3 "3316,"

4 Amend Bill, page 9, line 7, by striking out "5" and inserting

5 6