

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 471 Session of
2007

INTRODUCED BY FERLO, COSTA, FONTANA, ERICKSON, MUSTO, RAFFERTY
AND STACK, MARCH 15, 2007

REFERRED TO TRANSPORTATION, MARCH 15, 2007

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, prohibiting the use of mobile telephones.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Title 75 of the Pennsylvania Consolidated
6 Statutes is amended by adding a section to read:

7 § 3316. Prohibiting the use of mobile telephones.

8 (a) Prohibition.--Except as otherwise provided in this
9 section, no person shall operate a motor vehicle upon a public
10 highway while using a mobile telephone to engage in a call while
11 such vehicle is in motion.

12 (b) Presumption.--An operator of a motor vehicle who holds a
13 mobile telephone to, or in the immediate proximity of his or her
14 ear while such vehicle is in motion is presumed to be engaging
15 in a call within the meaning of this section. The presumption
16 established by this subsection is rebuttable by evidence tending
17 to show that the operator was not engaged in a call.

1 (c) Seizure.--The provisions of this section shall not be
2 construed as authorizing the seizure or forfeiture of a mobile
3 telephone, unless otherwise provided by law.

4 (d) Applicability.--This section shall not apply to:

5 (1) the use of a mobile telephone for the sole purpose
6 of communicating with any of the following regarding an
7 emergency situation: an emergency response operator; a
8 hospital, physician's office or health clinic; an ambulance
9 company or corps; a fire department, district or company; or
10 a police department;

11 (2) any of the following persons while in the
12 performance of their official duties: a police officer or
13 peace officer; a member of a fire department, district or
14 company; or

15 (3) the use of a hands-free mobile telephone.

16 (e) Penalty.--A violation of subsection (a) shall be a
17 traffic infraction and shall be punishable by a fine of not more
18 than \$100.

19 (f) Definitions.--As used in this section, the following
20 words and phrases shall have the meanings given to them in this
21 subsection:

22 "Engage in a call." Talking into or listening on a hand-held
23 mobile telephone, but shall not include holding a mobile
24 telephone to activate, deactivate or initiate a function of such
25 telephone.

26 "Hand-held mobile telephone." A mobile telephone with which
27 a user engages in a call using at least one hand.

28 "Hands-free mobile telephone." A mobile telephone that has
29 an internal feature or function, or that is equipped with an
30 attachment or addition, whether or not permanently part of such

1 mobile telephone, by which a user engages in a call without the
2 use of either hand whether or not the use of either hand is
3 necessary to activate, deactivate or initiate a function of such
4 telephone.

5 "Immediate proximity." That distance as permits the operator
6 of a mobile telephone to hear telecommunications transmitted
7 over such mobile telephone, but shall not require physical
8 contact with such operator's ear.

9 "Mobile telephone." The device used by subscribers and other
10 users of wireless telephone service to access such service.

11 "Using." Holding a mobile telephone to, or in the immediate
12 proximity of, the user's ear.

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