

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2070 Session of 2009

INTRODUCED BY MARKOSEK, GEIST, CALTAGIRONE, CARROLL, P. COSTA,
DePASQUALE, D. EVANS, J. EVANS, GINGRICH, GROVE, HARHAI,
HARPER, LENTZ, MARSICO, MILLER, PICKETT, PYLE, REICHLEY,
SHAPIRO, SIPTROTH, SOLOBAY, SWANGER AND WATSON,
NOVEMBER 9, 2009

REFERRED TO COMMITTEE ON TRANSPORTATION, NOVEMBER 9, 2009

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 75
2 (Vehicles) of the Pennsylvania Consolidated Statutes, further
3 providing for Commonwealth portion of fines, etc. and for
4 municipal corporation portion of fines, etc.; defining
5 "interactive wireless communication device"; prohibiting use
6 of interactive wireless communication device; and further
7 providing for duty of driver in construction and maintenance
8 areas or on highway safety corridors, for duty of driver in
9 emergency response areas, for accident report forms, for
10 department to compile, tabulate and analyze accident reports
11 and for applicability and uniformity of title.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Sections 3571(b) and 3573(b) of Title 42 of the
15 Pennsylvania Consolidated Statutes are amended to read:

16 § 3571. Commonwealth portion of fines, etc.

17 * * *

18 (b) Vehicle offenses.--

19 (1) All fines, forfeited recognizances and other
20 forfeitures imposed, lost or forfeited in connection with
21 matters arising under Chapter 77 of Title 75 (relating to

1 snowmobiles) shall unless otherwise provided in Chapter 77 of
2 Title 75 be payable to the Commonwealth.

3 (2) Except as provided in [paragraph (4)] paragraphs (4)
4 and (5), when prosecution under any other provision of Title
5 75 (relating to vehicles) is the result of State Police
6 action, all fines, forfeited recognizances and other
7 forfeitures imposed, lost or forfeited shall be payable to
8 the Commonwealth, for credit to the Motor License Fund. One-
9 half of the revenue shall be paid to municipalities in the
10 same ratio provided in section 4 of the [act of June 1, 1956
11 (P.L.1944, No.655), relating to partial allocation of liquid
12 fuels and fuel use tax proceeds] act of June 1, 1956 (1955
13 P.L.1944, No.655), referred to as the Liquid Fuels Tax
14 Municipal Allocation Law.

15 (3) Except as provided in paragraph (5) and section 3573
16 (relating to municipal corporation portion of fines, etc.),
17 when prosecution under any other provision of Title 75 is the
18 result of local police action, one-half of all fines,
19 forfeited recognizances and other forfeitures imposed, lost
20 or forfeited shall be payable to the Commonwealth, for credit
21 to the Motor License Fund.

22 (4) When prosecution under 75 Pa.C.S. § 3802 (relating
23 to driving under influence of alcohol or controlled
24 substance) is the result of State Police action, 50% of all
25 fines, forfeited recognizances and other forfeitures imposed,
26 lost or forfeited shall be payable to the Commonwealth, for
27 credit to the Motor License Fund, and 50% shall be payable to
28 the county which shall be further divided as follows:

29 (i) Fifty percent of the moneys received shall be
30 allocated to the appropriate county authority which

1 implements the county drug and alcohol program to be used
2 solely for the purposes of aiding programs promoting drug
3 abuse and alcoholism prevention, education, treatment and
4 research.

5 (ii) Fifty percent of the moneys received shall be
6 used for expenditures incurred for county jails, prisons,
7 workhouses and detention centers.

8 (5) When prosecution under 75 Pa.C.S. § 3316 (relating
9 to prohibiting use of interactive wireless communication
10 device) is the result of Pennsylvania State Police action,
11 25% of all revenue from fines shall be paid to municipalities
12 in the same ratio provided in section 4 of the Liquid Fuels
13 Tax Municipal Allocation Law, and 75% of the revenue from the
14 fines shall be allocated and are appropriated on a continuing
15 basis to the Department of Transportation for Statewide
16 public education and awareness programs to combat distracted
17 driving and promote awareness under 75 Pa.C.S. § 3316(f).

18 * * *

19 § 3573. Municipal corporation portion of fines, etc.

20 * * *

21 (b) Vehicle offenses.--

22 (1) When prosecution under the provisions of Title 75
23 (relating to vehicles) for parking is the result of local
24 police action, all fines, forfeited recognizances and other
25 forfeitures imposed, lost or forfeited shall be payable to
26 the municipal corporation under which the local police are
27 organized.

28 (2) Except as provided in [paragraph (3)] paragraphs (3)
29 and (4), when prosecution under any other provision of Title
30 75 (except Chapter 77 (relating to snowmobiles)) is the

1 result of local police action, one-half of all fines,
2 forfeited recognizances and other forfeitures imposed, lost
3 or forfeited shall be payable to the municipal corporation
4 under which the local police are organized.

5 (3) When prosecution under 75 Pa.C.S. § 3802 (relating
6 to driving under influence of alcohol or controlled
7 substance) is the result of local police action, 50% of all
8 fines, forfeited recognizances and other forfeitures imposed,
9 lost or forfeited shall be payable to the municipal
10 corporation under which the local police are organized, and
11 50% shall be payable to the county which shall be further
12 divided as follows:

13 (i) Fifty percent of the moneys received shall be
14 allocated to the appropriate county authority which
15 implements the county drug and alcohol program to be used
16 solely for the purposes of aiding programs promoting drug
17 abuse and alcoholism prevention, education, treatment and
18 research.

19 (ii) Fifty percent of the moneys received shall be
20 used for expenditures incurred for county jails, prisons,
21 workhouses and detention centers.

22 (4) When prosecution under 75 Pa.C.S. § 3316 (relating
23 to prohibiting use of interactive wireless communication
24 device) is the result of local police action, 25% of all
25 revenue from fines shall be payable to the municipal
26 corporation under which the local police are organized, and
27 75% shall be payable and is appropriated on a continuing
28 basis to the Department of Transportation for Statewide
29 public education and awareness programs to combat distracted
30 driving as established by 75 Pa.C.S. § 3316(f).

1 * * *

2 Section 2. Section 102 of Title 75 is amended by adding a
3 definition to read:

4 § 102. Definitions.

5 Subject to additional definitions contained in subsequent
6 provisions of this title which are applicable to specific
7 provisions of this title, the following words and phrases when
8 used in this title shall have, unless the context clearly
9 indicates otherwise, the meanings given to them in this section:

10 * * *

11 "Interactive wireless communication device." A wireless
12 telephone, personal digital assistant, smart phone, portable or
13 mobile computer or similar device which can be used for texting,
14 e-mailing, browsing the Internet or instant messaging, but does
15 not include a device being used exclusively as a global
16 positioning or navigation system or a system or device that is
17 physically or electronically integrated into the vehicle.

18 * * *

19 Section 3. Title 75 is amended by adding a section to read:

20 § 3316. Prohibiting use of interactive wireless communication
21 device.

22 (a) Driver restrictions.--

23 (1) No person shall drive a motor vehicle upon a roadway
24 or trafficway in this Commonwealth while using an interactive
25 wireless communication device for a purpose other than:

26 (i) voice communication;

27 (ii) reading, selecting or entering a telephone
28 number or name into an interactive wireless communication
29 device for the purpose of making a telephone call; or

30 (iii) utilizing a global positioning or navigation

1 system.

2 (2) No person with a learner's permit or junior driver's
3 license shall drive a motor vehicle upon a roadway or
4 trafficway in this Commonwealth while using an interactive
5 wireless communication device.

6 (b) Exceptions.--This section shall not apply to:

7 (1) A driver using an interactive wireless communication
8 device to contact a 911 system or wireless E-911 service, as
9 defined in the act of July 9, 1990 (P.L.340, No.78), known as
10 the Public Safety Emergency Telephone Act.

11 (2) A driver using an interactive wireless communication
12 device when the vehicle is stopped due to traffic being
13 obstructed and the driver has the motor vehicle transmission
14 in neutral or park.

15 (c) Seizure.--The provisions of this section shall not be
16 construed as authorizing the seizure or forfeiture of an
17 interactive wireless communication device.

18 (d) Penalty.--

19 (1) A person who violates subsection (a) commits a
20 summary offense and shall, upon conviction, be sentenced to
21 pay a fine of \$50.

22 (2) A person who violates subsection (a) while passing
23 through a school zone, as defined and provided under the
24 regulations of the department, commits a summary offense and
25 shall, upon conviction, be sentenced to pay a fine of \$100.
26 An official traffic-control device shall indicate the
27 beginning and end of each school zone to traffic approaching
28 in each direction. Establishment of a school zone, including
29 its location and hours of operation, shall be approved by the
30 department.

1 (e) Public education and awareness program.--The department
2 shall develop and maintain Statewide public education and
3 awareness programs to combat distracted driving and promote
4 awareness of the provisions of this section subject to available
5 funding.

6 (f) Guidelines.--The department shall, in consultation with
7 the Department of Education and the Pennsylvania State Police,
8 promulgate guidelines for the implementation of subsection (e)
9 within six months of the effective date of this section.

10 (g) Insurance.--An insurer may not charge an insured who has
11 been cited or convicted under this section a higher premium for
12 a policy of insurance in whole or in part by reason of that
13 conviction.

14 (h) Department to compile report.--The department shall
15 annually compile and make available to the Transportation
16 Committee of the Senate and the Transportation Committee of the
17 House of Representatives a report detailing the public education
18 efforts to combat distracted driving and promote awareness of
19 the provisions of this section.

20 Section 4. Sections 3326(c), 3327(e) and 3752(a) of Title 75
21 are amended to read:

22 § 3326. Duty of driver in construction and maintenance areas or
23 on highway safety corridors.

24 * * *

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

1 Section 3102 (relating to obedience to authorized
2 persons directing traffic).

3 Section 3111 (relating to obedience to traffic-
4 control devices).

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

6 Section 3114 (relating to flashing signals).

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

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

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

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

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

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

18 Section 3309 (relating to driving on roadways laned
19 for traffic).

20 Section 3310 (relating to following too closely).

21 Section 3316(a) (relating to prohibiting use of
22 interactive wireless communication device).

23 Section 3323 (relating to stop signs and yield
24 signs).

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

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

30 Section 3362 (relating to maximum speed limits).

1 Section 3702 (relating to limitations on backing).
2 Section 3714 (relating to careless driving).
3 Section 3736 (relating to reckless driving).
4 Section 3802 (relating to driving under influence of
5 alcohol or controlled substance).

6 * * *

7 § 3327. Duty of driver in emergency response areas.

8 * * *

9 (e) Fines to be doubled.--In addition to any penalty as
10 provided in subsection (b), the fine for any of the following
11 violations when committed in an emergency response area manned
12 by emergency service responders shall be double the usual
13 amount:

14 Section 3102 (relating to obedience to authorized persons
15 directing traffic).

16 Section 3111 (relating to obedience to traffic-control
17 devices).

18 Section 3114 (relating to flashing signals).

19 Section 3302 (relating to meeting vehicle proceeding in
20 opposite direction).

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

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

25 Section 3305 (relating to limitations on overtaking on
26 the left).

27 Section 3306 (relating to limitations on driving on left
28 side of roadway).

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

30 Section 3310 (relating to following too closely).

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

Section 3316(a) (relating to prohibiting use of interactive wireless communication device).

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

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

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

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

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

Section 3714 (relating to careless driving).

Section 3736 (relating to reckless driving).

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

* * *

§ 3752. Accident report forms.

(a) Form and content.--The department shall prepare and upon request supply to all law enforcement agencies and other appropriate agencies or individuals, forms for written accident reports as required in this subchapter suitable with respect to the persons required to make the reports and the purposes to be served. The written report forms shall call for sufficiently detailed information to disclose with reference to a vehicle accident the cause, conditions then existing and the persons and vehicles involved, including whether the driver of the vehicle was using an interactive wireless communication device when the accident occurred, and such other information as the department may require. Reports for use by the drivers and owners shall

1 also provide for information relating to financial
2 responsibility.

3 * * *

4 Section 5. Section 3753 of Title 75 is amended by adding a
5 subsection to read:

6 § 3753. Department to compile, tabulate and analyze accident
7 reports.

8 * * *

9 (b.1) Report on interactive wireless communication
10 devices.--The department shall annually compile and make
11 available to the public information submitted on an accident
12 report concerning the use of interactive wireless communication
13 devices in motor vehicles involved in traffic accidents. The
14 report shall note whether the driver of the motor vehicle was
15 using an interactive wireless communication device when the
16 accident occurred. This data shall also be included in an annual
17 report submitted to the Transportation Committee of the Senate
18 and the Transportation Committee of the House of
19 Representatives.

20 * * *

21 Section 6. Section 6101 of Title 75 is amended to read:

22 § 6101. Applicability and uniformity of title.

23 The provisions of this title shall be applicable and uniform
24 throughout this Commonwealth and in all political subdivisions
25 in this Commonwealth, and no local authority shall enact or
26 enforce any ordinance on a matter covered by the provisions of
27 this title unless expressly authorized. A person charged with
28 violating an ordinance determined to be enacted or enforced in
29 violation of this section shall be awarded court costs and
30 attorneys fees incurred as a result of defending against the

1 charge.

2 Section 7. This act shall take effect in 60 days.