

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 143** Session of
2009

INTRODUCED BY TOMLINSON, McILHINNEY, ERICKSON, STACK, WILLIAMS,
RAFFERTY, MUSTO, O'PAKE, COSTA, WOZNIAK, BOSCOLA, FERLO AND
WASHINGTON, MARCH 2, 2009

SENATOR WONDERLING, TRANSPORTATION, AS AMENDED, APRIL 28, 2009

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, providing for prohibiting the operation of motor
3 vehicles while using electronic wireless communications
4 devices.

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

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

9 § 3316. Prohibiting use of electronic wireless communications
10 devices.

11 (a) Prohibition.--Except as otherwise provided in this
12 section, no person shall operate a motor vehicle upon a public
13 highway and use an electronic wireless communications device to
14 send, read or write a text message while the vehicle is in
15 motion. A person does not send, read or write a text message
16 when the person reads, selects or enters a phone number or name
17 in an electronic wireless communications device for the purpose
18 of making a phone call. A conviction or detainment under this

1 subsection by State or local law enforcement agencies shall
2 occur only as a secondary action when a driver of a motor
3 vehicle has been detained or convicted of any other provision of
4 this title.

5 (b) Applicability.--This section shall not apply to a person
6 operating:

7 (1) an emergency vehicle; or

8 (2) while in the performance of their official duties: a
9 police officer~~or~~, peace officer OR CORONER; or a member of a ←
10 fire department, district or company.

11 (c) Penalty.--Any person who violates this section shall be
12 guilty of a summary offense with a maximum fine of \$100. A
13 violation of subsection (a) shall not result in the accumulation
14 of points under this title.

15 (D) LOCAL ORDINANCES.--THIS SECTION SUPERSEDES AND PREEMPTS ←
16 ALL ORDINANCES OF ANY MUNICIPALITY WITH REGARD TO THE USE OF AN
17 ELECTRONIC WIRELESS COMMUNICATIONS DEVICE BY THE DRIVER OF A
18 MOTOR VEHICLE.

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

22 "Electronic wireless communications device." An A HANDHELD ←
23 electronic device that permits the user to send or receive
24 electronic communications but excludes a voice-activated global
25 positioning or navigation system affixed to the vehicle.

26 "Text message." A message consisting of words typed or
27 entered on a keypad of the electronic wireless communication
28 device and sent electronically.

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