

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 8 Session of 2011

INTRODUCED BY WATSON, BENNINGHOFF, GEIST, DePASQUALE, BARRAR, BEAR, BOBACK, BOYD, B. BOYLE, K. BOYLE, BRADFORD, BRENNAN, BRIGGS, CALTAGIRONE, CARROLL, CHRISTIANA, CLYMER, CONKLIN, D. COSTA, CREIGHTON, DeLUCA, J. EVANS, FABRIZIO, FARRY, FLECK, FRANKEL, FREEMAN, GOODMAN, GRELL, GROVE, HAHN, HALUSKA, HARPER, HENNESSEY, HESS, HICKERNELL, HORNAMAN, KAUFFMAN, KILLION, KNOWLES, KORTZ, MANN, MARSHALL, MARSICO, MICOZZIE, MILLARD, MILLER, MUNDY, MURT, O'NEILL, PETRI, PICKETT, PYLE, READSHAW, REICHLEY, SANTARSIERO, SCAVELLO, SCHRODER, K. SMITH, STERN, SWANGER, TOEPEL, VULAKOVICH, WAGNER, YOUNGBLOOD AND SAMUELSON, JANUARY 19, 2011

REFERRED TO COMMITTEE ON TRANSPORTATION, JANUARY 19, 2011

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
 2 Statutes, further providing for schedule of convictions and
 3 points; and prohibiting the operation of motor vehicles while
 4 using interactive wireless communication devices.

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

7 Section 1. Section 1535(a) of Title 75 of the Pennsylvania
 8 Consolidated Statutes is amended to read:

9 § 1535. Schedule of convictions and points.

10 (a) General rule.--A point system for driver education and
 11 control is hereby established which is related to other
 12 provisions for use, suspension and revocation of the operating
 13 privilege as specified under this title. Every driver licensed
 14 in this Commonwealth who is convicted of any of the following

1 offenses shall be assessed points as of the date of violation in
2 accordance with the following schedule:

3	Section Number	Offense	Points
4	1512	Violation of restriction on	
5		driver's license.	2
6	1571	Violation concerning license.	3
7	3102	Failure to obey policeman or	
8		authorized person.	2
9	3112(a)(3)(i)	Failure to stop for a red	
10	or (ii)	light.	3
11	3114(a)(1)	Failure to stop for a flashing	
12		red light.	3
13	3302	Failure to yield half of	
14		roadway to oncoming vehicle.	3
15	3303	Improper passing.	3
16	3304	Other improper passing.	3
17	3305	Other improper passing.	3
18	3306(a)(1)	Other improper passing.	4
19	3306(a)(2)	Other improper passing.	3
20	3306(a)(3)	Other improper passing.	3
21	3307	Other improper passing.	3
22	3310	Following too closely.	3
23	<u>3316</u>	<u>Use of interactive wireless</u>	
24		<u>communication device.</u>	<u>1</u>
25	3321	Failure to yield to driver on	
26		the right at intersection.	3
27	3322	Failure to yield to oncoming	
28		driver when making left turn.	3
29	3323(b)	Failure to stop for stop sign.	3
30	3323(c)	Failure to yield at yield	

1		sign.	3
2	3324	Failure to yield when entering	
3		or crossing roadway between	
4		inter-sections.	3
5	3332	Improper turning around.	3
6	3341(a)	Failure to obey signal	
7		indicating approach of train.	2
8	3341(b)	Failure to comply with	
9		crossing gate or barrier.	4
10		(and 30 days' suspension)	
11	3342(b) or (e)	Failure to stop at railroad	
12		crossings.	4
13	3344	Failure to stop when entering	
14		from alley, driveway or	
15		building.	3
16	3345(a)	Failure to stop for school bus	
17		with flashing red lights.	5
18		(and 60 days' suspension)	
19	3361	Driving too fast for	
20		conditions.	2
21	3362	Exceeding maximum speed.--Over	
22		Limit:	
23		6-10	2
24		11-15	3
25		16-25	4
26		26-30	5
27		31-over	5
28		(and departmental hearing	
29		and sanctions provided	
30		under section 1538(d))	

1	3365 (b)	Exceeding special speed limit	
2		in school zone.	3
3		(and 60 days' suspension	
4		for a second or subsequent	
5		offense)	
6	3365 (c)	Exceeding special speed limit	
7		for trucks on downgrades.	3
8	3542 (a)	Failure to yield to pedestrian	
9		in crosswalk.	2
10	3547	Failure to yield to pedestrian	
11		on sidewalk.	3
12	3549 (a)	Failure to yield to blind	
13		pedestrian.	3
14	3702	Improper backing.	3
15	3714 (a)	Careless driving.	3
16	3745	Leaving scene of accident	
17		involving property damage	
18		only.	4

19 * * *

20 Section 2. Title 75 is amended by adding a section to read:
 21 § 3316. Prohibiting use of interactive wireless communication
 22 devices.

23 (a) Prohibition.--Except as otherwise provided in this
 24 section, no person shall operate a motor vehicle on any public
 25 road or highway of this Commonwealth while using an interactive
 26 wireless communication device to write, send or read any text-
 27 based communication, including, but not limited to, a text
 28 message, instant message, electronic mail or Internet data. A
 29 person does not send, read or write a text message when the
 30 person reads, selects or enters a phone number or name in an

1 interactive wireless communication device for the purpose of
2 making a phone call.

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

5 (1) an emergency vehicle; or

6 (2) while in the performance of their official duties: a
7 police officer, peace officer or a member of a fire
8 department, district or company.

9 (c) Penalty.--Any person who violates this section commits a
10 summary offense and shall, upon conviction, be sentenced to pay
11 a fine of not less than \$50 and not more than \$100.

12 (d) Local ordinances.--This section supersedes and preempts
13 all ordinances of any municipality with regard to the use of an
14 interactive wireless communication device by the driver of a
15 motor vehicle.

16 (e) Definitions.--As used in this section, the following
17 words and phrases shall have the meanings given to them in this
18 subsection:

19 "Interactive wireless communication device." A wireless
20 telephone, personal digital assistant, smart phone, portable or
21 mobile computer or similar device which can be used for voice
22 communication, texting, e-mailing, browsing the Internet or
23 instant messaging. The term does not include any of the
24 following:

25 (1) a device being used exclusively as a global
26 positioning or navigation system;

27 (2) a system or device that is physically or
28 electronically integrated into the vehicle; or

29 (3) a communication device that is affixed to a mass
30 transit vehicle, bus or school bus.

1 "Text message." A message consisting of words typed or
2 entered on a keypad of the interactive wireless communication
3 device and sent electronically.

4 Section 3. This act shall take effect in 60 days.