

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, SAMUELSON, ADOLPH, DENLINGER, QUINN, M. K. KELLER, TRUITT AND MILNE, JANUARY 19, 2011

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 3, 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

1 in this Commonwealth who is convicted of any of the following
2 offenses shall be assessed points as of the date of violation in
3 accordance with the following schedule:

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

1	3323 (c)	Failure to yield at yield	
2		sign.	3
3	3324	Failure to yield when entering	
4		or crossing roadway between	
5		inter-sections.	3
6	3332	Improper turning around.	3
7	3341 (a)	Failure to obey signal	
8		indicating approach of train.	2
9	3341 (b)	Failure to comply with	
10		crossing gate or barrier.	4
11		(and 30 days' suspension)	
12	3342 (b) or (e)	Failure to stop at railroad	
13		crossings.	4
14	3344	Failure to stop when entering	
15		from alley, driveway or	
16		building.	3
17	3345 (a)	Failure to stop for school bus	
18		with flashing red lights.	5
19		(and 60 days' suspension)	
20	3361	Driving too fast for	
21		conditions.	2
22	3362	Exceeding maximum speed.--Over	
23		Limit:	
24		6-10	2
25		11-15	3
26		16-25	4
27		26-30	5
28		31-over	5
29		(and departmental hearing	
30		and sanctions provided	

1 under section 1538(d))

2 3365(b) Exceeding special speed limit

3 in school zone. 3

4 (and 60 days' suspension

5 for a second or subsequent

6 offense)

7 3365(c) Exceeding special speed limit

8 for trucks on downgrades. 3

9 3542(a) Failure to yield to pedestrian

10 in crosswalk. 2

11 3547 Failure to yield to pedestrian

12 on sidewalk. 3

13 3549(a) Failure to yield to blind

14 pedestrian. 3

15 3702 Improper backing. 3

16 3714(a) Careless driving. 3

17 3745 Leaving scene of accident

18 involving property damage

19 only. 4

20 * * *

21 Section 2. Title 75 is amended by adding a section to read:

22 § 3316. Prohibiting use of interactive wireless communication

23 devices.

24 (a) Prohibition.--Except as otherwise provided in this

25 section, no person shall operate DRIVE a motor vehicle on any ←

26 public road or highway ROADWAY OR TRAFFICWAY of this ←

27 Commonwealth while using an interactive wireless communication

28 device to write, send or read any text-based communication,

29 including, but not limited to, a text message, instant message,

30 electronic mail or Internet data. A person does not send, read

1 or write a text message when the person reads, selects or enters
2 a phone number or name in an interactive wireless communication
3 device for the purpose of making a phone call.

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

6 (1) an emergency vehicle; or

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

10 ~~(c) Penalty.-- Any person who violates this section commits a~~ ←

11 (C) PENALTY.-- ←

12 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), ANY PERSON WHO
13 VIOLATES THIS SECTION COMMITS A summary offense and shall,
14 upon conviction, be sentenced to pay a fine of not less than
15 \$50 and not more than \$100.

16 (2) A PERSON WHO VIOLATES THIS SECTION WHILE PASSING ←
17 THROUGH A SCHOOL ZONE, AS DEFINED AND PROVIDED FOR UNDER
18 REGULATIONS OF THE DEPARTMENT AND MEETING THE REQUIREMENTS OF
19 SECTION 3365(B) (RELATING TO SPECIAL SPEED LIMITATIONS),
20 COMMITTS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE
21 SENTENCED TO PAY A FINE OF \$100.

22 (D) SEIZURE.--THE PROVISIONS OF THIS SECTION SHALL NOT BE
23 CONSTRUED AS AUTHORIZING THE SEIZURE OR FORFEITURE OF AN
24 INTERACTIVE WIRELESS COMMUNICATION DEVICE.

25 ~~(d) (E) Local ordinances.--This section supersedes and~~ ←
26 preempts all ordinances of any municipality with regard to the
27 use of an interactive wireless communication device by the
28 driver of a motor vehicle.

29 ~~(e) (F) Definitions.--As used in this section, the following~~ ←
30 words and phrases shall have the meanings given to them in this

1 subsection:

2 "Interactive wireless communication device." A wireless
3 telephone, personal digital assistant, smart phone, portable or
4 mobile computer or similar device which can be used for voice
5 communication, texting, e-mailing, browsing the Internet or
6 instant messaging. The term does not include any of the
7 following:

8 (1) a device being used exclusively as a global
9 positioning or navigation system;

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

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

14 "Text message." A message consisting of words typed or
15 entered on a keypad of the interactive wireless communication
16 device and sent electronically.

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