

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 AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
MAY 11, 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>—</u>	<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 drive a motor vehicle on any roadway or
 26 trafficway of this Commonwealth while using an interactive
 27 wireless communication device to write, send or read any text
 28 based communication, including, but not limited to, a text
 29 message, instant message, electronic mail or Internet data. A
 30 person does not send, read or write a text message when the



1 ~~person reads, selects or enters a phone number or name in an~~
2 ~~interactive wireless communication device for the purpose of~~
3 ~~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. FOR A PURPOSE OTHER THAN:~~ ←

10 ~~(1) VOICE COMMUNICATION THROUGH THE USE OF AN~~
11 ~~INTERACTIVE WIRELESS COMMUNICATION DEVICE WHILE IN HANDS-FREE~~
12 ~~MODE;~~

13 ~~(2) READING, SELECTING OR ENTERING A TELEPHONE NUMBER OR~~
14 ~~NAME INTO AN INTERACTIVE WIRELESS COMMUNICATION DEVICE FOR~~
15 ~~THE PURPOSE OF VOICE COMMUNICATION; OR~~

16 ~~(3) UTILIZING A GLOBAL POSITIONING OR NAVIGATION SYSTEM.~~

17 ~~(B) EXCEPTIONS.--THIS SECTION SHALL NOT APPLY TO:~~

18 ~~(1) A DRIVER USING AN INTERACTIVE WIRELESS COMMUNICATION~~
19 ~~DEVICE TO CONTACT A 911 SYSTEM OR WIRELESS E-911 SERVICE, AS~~
20 ~~DEFINED IN THE ACT OF JULY 9, 1990 (P.L.340, NO.78), KNOWN AS~~
21 ~~THE PUBLIC SAFETY EMERGENCY TELEPHONE ACT.~~

22 ~~(2) A DRIVER USING AN INTERACTIVE WIRELESS COMMUNICATION~~
23 ~~DEVICE WHEN THE VEHICLE IS STOPPED DUE TO A TRAFFIC~~
24 ~~OBSTRUCTION AND THE MOTOR VEHICLE TRANSMISSION IS IN NEUTRAL~~
25 ~~OR PARK.~~

26 ~~(3) OPERATORS OF EMERGENCY VEHICLES WHO USE AN~~
27 ~~INTERACTIVE WIRELESS COMMUNICATION DEVICE FOR VOICE~~
28 ~~COMMUNICATION FOR THE PURPOSE OF RESPONDING TO AN EMERGENCY~~
29 ~~WHILE ENGAGED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.~~

30 ~~(4) VOLUNTEER EMERGENCY RESPONDERS WHO USE AN~~

INTERACTIVE WIRELESS COMMUNICATION DEVICE FOR VOICE
COMMUNICATION FOR THE PURPOSE OF RESPONDING TO AN EMERGENCY
WHILE ENGAGED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

(c) Penalty.--

(1) Except as set forth in paragraph (2), any person who
violates this section commits a summary offense and shall,
upon conviction, be sentenced to pay a fine of ~~not less than~~ ←
~~\$50 and not more than \$100~~ \$75. ←

(2) A person who violates this section while passing
through a school zone, as defined and provided for under
regulations of the department and meeting the requirements of
section 3365(b) (relating to special speed limitations),
commits a summary offense and shall, upon conviction, be
sentenced to pay a fine of \$100.

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

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

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

"HANDS-FREE MODE." THE USE OF AN INTERACTIVE WIRELESS ←
COMMUNICATION DEVICE THAT ALLOWS THE USER TO ENGAGE IN
COMMUNICATION WITHOUT THE USE OF EITHER HAND BY MEANS OF AN
INTERNAL FEATURE OR FUNCTION OR AN ATTACHMENT OR DEVICE.

"Interactive wireless communication device." A wireless
telephone, personal digital assistant, smart phone, portable or

1 mobile computer or similar device which can be used for voice
2 communication, texting, e-mailing, browsing the Internet or
3 instant messaging. The term does not include any of the
4 following:

5 (1) a device being used exclusively as a global
6 positioning or navigation system;

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

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

11 ~~"Text message." A message consisting of words typed or~~ ←
12 ~~entered on a keypad of the interactive wireless communication~~
13 ~~device and sent electronically.~~

14 "VOLUNTEER EMERGENCY RESPONDER." ANY OF THE FOLLOWING: ←

15 (1) A MEMBER OF A VOLUNTEER AMBULANCE SERVICE AS DEFINED
16 IN SECTION 102 OF THE ACT OF JULY 31, 2003 (P.L.73, NO.17),
17 KNOWN AS THE VOLUNTEER FIRE COMPANY AND VOLUNTEER AMBULANCE
18 SERVICE GRANT ACT.

19 (2) A MEMBER OF A VOLUNTEER FIRE COMPANY AS DEFINED IN
20 SECTION 102 OF THE VOLUNTEER FIRE COMPANY AND VOLUNTEER
21 AMBULANCE SERVICE GRANT ACT.

22 (3) A MEMBER OF A VOLUNTEER RESCUE COMPANY AS DEFINED IN
23 SECTION 102 OF THE VOLUNTEER FIRE COMPANY AND VOLUNTEER
24 AMBULANCE SERVICE GRANT ACT.

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