

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 146 Session of 2011

INTRODUCED BY KORTZ, BARRAR, DeLUCA, FABRIZIO, HALUSKA, HESS,  
KULA, M. O'BRIEN, READSHAW, K. SMITH, SWANGER, VULAKOVICH,  
WAGNER, YOUNGBLOOD, RAVENSTAHL AND SANTARSIERO,  
JANUARY 21, 2011

REFERRED TO COMMITTEE ON TRANSPORTATION, JANUARY 21, 2011

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, in rules of the road in general, prohibiting  
3 interactive wireless communications devices in work zones.

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

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

8 § 3316. Prohibiting interactive wireless communications devices  
9 in work zones.

10 (a) General rule.--No driver shall operate a motor vehicle  
11 on a highway or trafficway within a work zone while using an  
12 interactive wireless communications device.

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

14 (1) Law enforcement officers and operators of emergency  
15 vehicles when on duty and acting in their official  
16 capacities.

17 (2) Persons who are reporting an accident or emergency.

1       (3) Drivers who are using a hands-free interactive  
2       wireless communications device.

3       (c) Posting.--The department shall post a work zone with  
4       signs designating the restriction.

5       (d) Penalty.--

6       (1) A person who violates subsection (a) commits a  
7       summary offense and shall, upon conviction, be sentenced to  
8       pay a fine of \$100.

9       (2) A conviction under this section shall not constitute  
10      a moving violation unless:

11           (i) The offense involves an accident.

12           (ii) The offense is a second or subsequent violation  
13          in less than one calendar year.

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

17      "Interactive wireless communications device." A wireless  
18      electronic communications device that provides for voice or data  
19      communication between two or more parties, including, but not  
20      limited to, a mobile or cellular telephone, a text messaging  
21      device, a personal digital assistant that sends or receives  
22      messages or a laptop computer. The term does not include a  
23      citizens band radio, a two-way radio communication device or a  
24      device that is permanently affixed during operation to a bus or  
25      school bus.

26      "Hands-free interactive wireless communications device." An  
27      interactive wireless communications device that has an internal  
28      feature or is equipped with an attachment or addition, whether  
29      permanently part of the interactive wireless communications  
30      device, by which a user engages in a voice or data communication

1 without the use of either hand and regardless of whether either  
2 hand is used to activate, deactivate or initiate a function of  
3 the interactive wireless communications device.

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