

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, SANTARSIERO AND QUINN, JANUARY 21, 2011

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 22, 2011

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in rules of the road in general, prohibiting USE OF
3 interactive wireless communications devices BY JUNIOR DRIVERS
4 AND in work zones; FURTHER PROVIDING FOR THE OFFENSE OF
5 CARELESS DRIVING; ESTABLISHING THE DRIVER DISTRACTION
6 AWARENESS FUND; AND PROVIDING FOR ADDITIONAL DUTIES OF THE
7 DEPARTMENT OF TRANSPORTATION.



8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

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

12 § 3316. Prohibiting USE OF interactive wireless communications
13 devices BY JUNIOR DRIVERS AND in work zones.



14 (A) JUNIOR DRIVERS.--NO DRIVER WITH A LEARNER'S PERMIT OR
15 JUNIOR DRIVER'S LICENSE SHALL OPERATE A MOTOR VEHICLE ON A
16 HIGHWAY OR TRAFFICWAY IN THIS COMMONWEALTH WHILE USING AN
17 INTERACTIVE WIRELESS COMMUNICATIONS DEVICE.



18 (a) General rule (B) WORK ZONES.--No driver shall operate a
19 motor vehicle on a highway or trafficway within a work zone



1 while using an interactive wireless communications device.

2 ~~(b)~~ (C) Exceptions.--This section shall not apply to: ←

3 (1) Law enforcement officers and operators of emergency
4 vehicles when on duty and acting in their official
5 capacities.

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

7 ~~(3) Drivers who are using a hands free interactive~~ ←
8 ~~wireless communications device~~ PERSONS WHO USE AN INTERACTIVE ←
9 WIRELESS COMMUNICATIONS DEVICE WHEN THE VEHICLE IS STOPPED AT
10 AN INTERSECTION OR DUE TO A TRAFFIC OBSTRUCTION AND THE
11 TRANSMISSION IS IN NEUTRAL OR PARK.

12 ~~(e)~~ (D) Posting.--The department shall post a work zone with ←
13 signs designating the restriction.

14 ~~(d)~~ (E) Penalty.-- ←

15 (1) A person who violates subsection (a) OR (B) commits ←
16 a summary offense and shall, upon conviction, be sentenced to
17 pay a fine of \$100.

18 (2) A conviction under this section shall not constitute
19 a moving violation unless: ←

20 ~~(i) The offense involves an accident. A MOVING~~ ←
21 VIOLATION UNLESS THE OFFENSE INVOLVES AN ACCIDENT.

22 ~~(ii) The offense is a second or subsequent violation~~ ←
23 in less than one calendar year.

24 (F) SECONDARY ACTION.--A CONVICTION UNDER THIS SUBSECTION BY ←
25 STATE OR LOCAL LAW ENFORCEMENT AGENCIES SHALL OCCUR ONLY AS A
26 SECONDARY ACTION WHEN A DRIVER OF A MOTOR VEHICLE HAS BEEN
27 CONVICTED OF ANY OTHER PROVISION OF THIS TITLE.

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

1 "Interactive wireless communications device." A wireless
2 electronic communications device that provides for voice or data
3 communication between two or more parties, including, but not
4 limited to, a mobile or cellular telephone, a text messaging
5 device, a personal digital assistant that sends or receives
6 messages or a laptop computer. The term does not include a
7 citizens band radio, a two-way radio communication device or a
8 device that is permanently affixed during operation to a bus or
9 school bus.

10 "Hands-free interactive wireless communications device." An
11 interactive wireless communications device that has an internal
12 feature or is equipped with an attachment or addition, whether
13 permanently part of the interactive wireless communications
14 device, by which a user engages in a voice or data communication
15 without the use of either hand and regardless of whether either
16 hand is used to activate, deactivate or initiate a function of
17 the interactive wireless communications device.

18 SECTION 2. SECTION 3714 OF TITLE 75 IS AMENDED TO READ: 

19 § 3714. CARELESS DRIVING.

20 (A) GENERAL RULE.--ANY PERSON WHO DRIVES A VEHICLE IN
21 CARELESS DISREGARD FOR THE SAFETY OF PERSONS OR PROPERTY IS
22 GUILTY OF CARELESS DRIVING, A SUMMARY OFFENSE.

23 (B) UNINTENTIONAL DEATH.--IF THE PERSON WHO VIOLATES THIS
24 SECTION UNINTENTIONALLY CAUSES THE DEATH OF ANOTHER PERSON AS A
25 RESULT OF THE VIOLATION, THE PERSON SHALL, UPON CONVICTION, BE
26 SENTENCED TO PAY A FINE OF \$500.

27 (C) SERIOUS BODILY INJURY.--IF THE PERSON WHO VIOLATES THIS
28 SECTION UNINTENTIONALLY CAUSES THE SERIOUS BODILY INJURY OF
29 ANOTHER PERSON AS A RESULT OF THE VIOLATION, THE PERSON SHALL,
30 UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$250.

1 (C.1) ADDITIONAL FINE FOR DISTRACTED DRIVER.--

2 (1) ANY PERSON WHO VIOLATES THIS SECTION AND AT THE TIME
3 OF THE VIOLATION IS DISTRACTED BY THE USE OF ANY OF THE
4 FOLLOWING, INCLUDING, BUT NOT LIMITED TO:

5 (I) AN INTERACTIVE WIRELESS COMMUNICATIONS DEVICE;

6 (II) AN ELECTRONIC, ELECTRICAL OR MECHANICAL DEVICE;

7 (III) A PERSONAL GROOMING DEVICE;

8 (IV) FOOD;

9 (V) DRINK; OR

10 (VI) ANY PRINTED MATERIAL,

11 SHALL IN ADDITION TO ANY OTHER PENALTY IMPOSED BE SENTENCED
12 TO PAY A FINE OF \$50.

13 (2) THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO
14 ANY PERSON UNLESS THE PERSON IS CONVICTED UNDER SUBSECTION
15 (A) FOR A VIOLATION WHICH OCCURRED AT THE SAME TIME. NO COSTS
16 AS DESCRIBED UNDER 42 PA.C.S. § 1725.1 (RELATING TO COSTS)
17 SHALL BE IMPOSED ON ACCOUNT OF ANY INCREASED FINE UNDER THIS
18 SUBSECTION. APPLICATION OF THIS SUBSECTION SHALL NOT
19 CONSTITUTE A MOVING VIOLATION.

20 (3) FINES COLLECTED UNDER THIS SUBSECTION SHALL BE PAID
21 TO THE COMMONWEALTH FOR DEPOSIT INTO THE DRIVER DISTRACTION
22 AWARENESS FUND.

23 (C.2) REPORT.--THE DEPARTMENT SHALL SUBMIT TO THE GENERAL
24 ASSEMBLY A REPORT ON THE EFFECTS OF SUBSECTION (C.1) BY AUGUST
25 31, 2012.

26 (D) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
27 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
28 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

29 "DISTRACTED." HAVING A PERSON'S ATTENTION DIVERTED FROM
30 OPERATING A VEHICLE BY ANY TASK OR ITEM, INCLUDING, BUT NOT

1 LIMITED TO, AN ELECTRONIC, ELECTRICAL, MECHANICAL OR PERSONAL
2 GROOMING DEVICE, FOOD, DRINK, BOOK OR PRINTED MATERIAL.

3 "INTERACTIVE WIRELESS COMMUNICATIONS DEVICE." A WIRELESS
4 TELEPHONE, PERSONAL DIGITAL ASSISTANT, SMART PHONE, PORTABLE OR
5 MOBILE COMPUTER OR SIMILAR DEVICE WHICH CAN BE USED FOR VOICE
6 COMMUNICATION, TEXTING, E-MAILING, BROWSING THE INTERNET OR
7 INSTANT MESSAGING. THE TERM DOES NOT INCLUDE ANY OF THE
8 FOLLOWING:

9 (1) A DEVICE BEING USED EXCLUSIVELY AS A GLOBAL
10 POSITIONING OR NAVIGATION SYSTEM;

11 (2) A SYSTEM OR DEVICE THAT IS PHYSICALLY OR
12 ELECTRONICALLY INTEGRATED INTO THE VEHICLE; OR

13 (3) A COMMUNICATION DEVICE THAT IS AFFIXED TO A MASS
14 TRANSIT VEHICLE, BUS OR SCHOOL BUS.

15 SECTION 3. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:
16 § 3714.1. DRIVER DISTRACTION AWARENESS FUND.

17 (A) FUND ESTABLISHED.--THE DRIVER DISTRACTION AWARENESS FUND
18 IS ESTABLISHED IN THE MOTOR LICENSE FUND AS A SPECIAL RESTRICTED
19 RECEIPTS ACCOUNT HEREBY EARMARKED FOR AND APPROPRIATED TO THE
20 DEPARTMENT. THIS FUND SHALL CONSIST OF ALL FINES DEPOSITED
21 PURSUANT TO SECTION 3714(C.1) (RELATING TO CARELESS DRIVING),
22 ALL FEDERAL FUNDS GRANTED FOR THAT USE AND ANY MONEYS DONATED
23 INTO THE FUND. ALL SUCH FUNDS SHALL BE USED SOLELY FOR THE
24 PURPOSE OF THE EDUCATIONAL PROGRAM ESTABLISHED IN SUBSECTION
25 (B).

26 (B) EDUCATIONAL PROGRAM.--THE DEPARTMENT SHALL INITIATE AN
27 EDUCATIONAL PROGRAM TO BEGIN IMMEDIATELY TO ALERT THE PUBLIC TO
28 THE PROVISIONS OF SECTION 3714(C.1) AND THE REQUIREMENTS AND
29 PENALTIES SPECIFIED IN SECTION 3714(C.1). THE PROGRAM SHALL ALSO
30 ENCOURAGE MOTORISTS TO ELIMINATE DISTRACTIONS IN THE VEHICLE AS

1 A MEANS OF REDUCING THE RISK OF HARM TO THEMSELVES AS WELL AS TO
2 OTHERS.

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

