

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 896 Session of
2011

INTRODUCED BY ROSS, BARRAR, BOYD, CALTAGIRONE, CRUZ, CUTLER,
DeLUCA, DENLINGER, DeWEESE, J. EVANS, FLECK, GABLER, GROVE,
HARKINS, HESS, HICKERNELL, HORNAMAN, KAUFFMAN, MILLER, MILNE,
MUNDY, MURT, O'NEILL, PETRI, READSHAW, REICHLEY, SCAVELLO,
SCHRODER, TALLMAN, TAYLOR, WATSON, ADOLPH, FARRY AND
MARSHALL, MARCH 2, 2011

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY
10, 2011

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for the offense of careless
3 driving; establishing the Driver Distraction Awareness Fund;
4 and providing for additional duties of the Department of
5 Transportation.

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

8 Section 1. Section 3714 of Title 75 of the Pennsylvania
9 Consolidated Statutes, amended October 19, 2010 (P.L.557,
10 No.81), is amended to read:

11 § 3714. Careless driving.

12 (a) General rule.--Any person who drives a vehicle in
13 careless disregard for the safety of persons or property is
14 guilty of careless driving, a summary offense.

15 (b) Unintentional death.--If the person who violates this
16 section unintentionally causes the death of another person as a
17 result of the violation, the person shall, upon conviction, be

1 sentenced to pay a fine of \$500.

2 (c) Serious bodily injury.--If the person who violates this
3 section unintentionally causes the serious bodily injury of
4 another person as a result of the violation, the person shall,
5 upon conviction, be sentenced to pay a fine of \$250.

6 (c.1) Additional fine for distracted driver.--

7 (1) Any person who violates this section and at the time
8 of the violation is distracted by the use of any of the
9 following, including, but not limited to:

10 (i) an interactive wireless communications device;

11 (ii) an electronic, electrical or mechanical device;

12 (iii) a personal grooming device;

13 (iv) food;

14 (v) drink; or

15 (vi) any printed material,

16 shall in addition to any other penalty imposed, ~~upon~~
17 ~~conviction,~~ be sentenced to pay a fine of \$50.

18 ~~(2) No person shall be convicted under this subsection~~

19 THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO ANY

20 PERSON unless the person is ~~also~~ convicted under subsection

21 (a) for a violation which occurred at the same time. No costs

22 as described under 42 Pa.C.S. § 1725.1 (relating to costs)

23 shall be imposed ~~for a conviction~~ ON ACCOUNT OF ANY INCREASED

24 FINE under this subsection. ~~Conviction under~~ APPLICATION OF

25 this subsection shall not constitute a moving violation.

26 (3) Fines collected under this subsection shall be paid

27 to the Commonwealth for deposit into the Driver Distraction

28 Awareness Fund.

29 (c.2) Report.--The department shall submit to the General

30 Assembly a report on the effects of subsection (c.1) by August

1 31, 2012.

2 (d) Definitions.--As used in this section, the following
3 words and phrases shall have the meanings given to them in this
4 subsection unless the context clearly indicates otherwise:

5 "Distracted." Having a person's attention diverted from
6 operating a vehicle by any task or item, including, but not
7 limited to, an electronic, electrical, mechanical or personal
8 grooming device, food, drink, book or printed material.

9 "Interactive wireless communications device." A wireless
10 telephone, personal digital assistant, smart phone, portable or
11 mobile computer or similar device which can be used for voice
12 communication, texting, e-mailing, browsing the Internet or
13 instant messaging. The term does not include any of the
14 following:

15 (1) a device being used exclusively as a global
16 positioning or navigation system;

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

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

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

22 § 3714.1. Driver Distraction Awareness Fund.

23 (a) Fund established.--The Driver Distraction Awareness Fund
24 is established in the Motor License Fund as a special restricted
25 receipts account hereby earmarked for and appropriated to the
26 department. This fund shall consist of all fines deposited
27 pursuant to section 3714(c.1) (relating to careless driving),
28 all Federal funds granted for that use and any moneys donated
29 into the fund. All such funds shall be used solely for the
30 purpose of the educational program established in subsection

1 (b).

2 (b) Educational program.--The department shall initiate an
3 educational program to begin immediately to alert the public to
4 the provisions of section 3714(c.1) and the requirements and
5 penalties specified in section 3714(c.1). The program shall also
6 encourage motorists to eliminate distractions in the vehicle as
7 a means of reducing the risk of harm to themselves as well as to
8 others.

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