

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 314 Session of 2011

INTRODUCED BY TOMLINSON, McILHINNEY, ALLOWAY, WAUGH, ERICKSON, FONTANA, BOSCOLA, STACK, EARLL, RAFFERTY, WILLIAMS, M. WHITE, LEACH, CORMAN, MENSCH, YUDICHAK, BREWSTER, PILEGGI, WASHINGTON AND GREENLEAF, JANUARY 28, 2011

SENATOR RAFFERTY, TRANSPORTATION, AS AMENDED, MAY 10, 2011

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, DEFINING "INTERACTIVE WIRELESS COMMUNICATIONS
3 DEVICE"; FURTHER PROVIDING FOR JUNIOR DRIVER'S LICENSE AND
4 FOR SUSPENSION OF OPERATING PRIVILEGE; providing for
5 prohibiting use of electronic INTERACTIVE wireless
6 communications devices while operating motor vehicles; AND
7 FURTHER PROVIDING FOR DUTY OF DRIVER IN CONSTRUCTION AND
8 MAINTENANCE AREAS OR ON HIGHWAY SAFETY CORRIDORS, FOR DUTY OF
9 DRIVER IN EMERGENCY RESPONSE AREAS, FOR ACCIDENT REPORT
10 FORMS, FOR DEPARTMENT TO COMPILE, TABULATE AND ANALYZE
11 ACCIDENT REPORTS, FOR TELEVISION EQUIPMENT AND FOR RESTRAINT
12 SYSTEMS.

13 THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA
14 DECLARES THAT THE PART OF THIS ACT THAT LIMITS THE NUMBER OF
15 PASSENGERS A JUNIOR DRIVER MAY TRANSPORT IN A MOTOR VEHICLE AT
16 ONE TIME MAY BE REFERRED TO AS LACEY'S LAW IN HONOR OF LACEY
17 GALLAGHER.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. Title 75 of the Pennsylvania Consolidated
21 Statutes is amended by adding a section to read:
22 § 3316. Prohibiting use of electronic wireless communications

1 ~~devices.~~

2 ~~(a) Prohibition. Except as otherwise provided in this~~
3 ~~section, no person shall operate a motor vehicle upon a public~~
4 ~~highway and use an electronic wireless communications device to~~
5 ~~send, read or write a text message while the vehicle is in~~
6 ~~motion. A person does not send, read or write a text message~~
7 ~~when the person reads, selects or enters a phone number or name~~
8 ~~in an electronic wireless communications device for the purpose~~
9 ~~of making a phone call. A conviction or detainment under this~~
10 ~~subsection by State or local law enforcement agencies shall~~
11 ~~occur only as a secondary action when a driver of a motor~~
12 ~~vehicle has been detained or convicted of any other provision of~~
13 ~~this title.~~

14 ~~(b) Applicability. This section shall not apply to a person~~
15 ~~operating:~~

16 ~~(1) an emergency vehicle; or~~

17 ~~(2) while in the performance of their official duties: a~~
18 ~~police officer, peace officer or coroner; or a member of a~~
19 ~~fire department, district or company.~~

20 ~~(c) Penalty. Any person who violates this section shall be~~
21 ~~guilty of a summary offense with a maximum fine of \$100. A~~
22 ~~violation of subsection (a) shall not result in the accumulation~~
23 ~~of points under this title.~~

24 ~~(d) Local ordinances. This section supersedes and preempts~~
25 ~~all ordinances of any municipality with regard to the use of an~~
26 ~~electronic wireless communications device by the driver of a~~
27 ~~motor vehicle.~~

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

1 ~~"Electronic wireless communications device." A handheld~~
2 ~~electronic device that permits the user to send or receive~~
3 ~~electronic communications but excludes a voice activated global~~
4 ~~positioning or navigation system affixed to the vehicle.~~

5 ~~"Text message." A message consisting of words typed or~~
6 ~~entered on a keypad of the electronic wireless communication~~
7 ~~device and sent electronically.~~

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

9 SECTION 1. SECTION 102 OF TITLE 75 OF THE PENNSYLVANIA
10 CONSOLIDATED STATUTES IS AMENDED BY ADDING A DEFINITION TO READ:
11 § 102. DEFINITIONS.

12 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT
13 PROVISIONS OF THIS TITLE WHICH ARE APPLICABLE TO SPECIFIC
14 PROVISIONS OF THIS TITLE, THE FOLLOWING WORDS AND PHRASES WHEN
15 USED IN THIS TITLE SHALL HAVE, UNLESS THE CONTEXT CLEARLY
16 INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

17 * * *

18 "INTERACTIVE WIRELESS COMMUNICATIONS DEVICE." A WIRELESS
19 TELEPHONE, PERSONAL DIGITAL ASSISTANT, SMART PHONE, PORTABLE OR
20 MOBILE COMPUTER OR SIMILAR DEVICE WHICH CAN BE USED FOR VOICE
21 COMMUNICATION, TEXTING, E-MAILING, BROWSING THE INTERNET OR
22 INSTANT MESSAGING. THE TERM DOES NOT INCLUDE ANY OF THE
23 FOLLOWING:

24 (1) A DEVICE BEING USED EXCLUSIVELY AS A GLOBAL
25 POSITIONING OR NAVIGATION SYSTEM;

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

28 (3) A COMMUNICATIONS DEVICE THAT IS AFFIXED TO A MASS
29 TRANSIT VEHICLE, BUS OR SCHOOL BUS.

30 * * *

1 SECTION 2. SECTIONS 1503(C) AND 1538(E) OF TITLE 75 ARE
2 AMENDED TO READ:

3 § 1503. PERSONS INELIGIBLE FOR LICENSING; LICENSE ISSUANCE TO
4 MINORS; JUNIOR DRIVER'S LICENSE.

5 * * *

6 (C) JUNIOR DRIVER'S LICENSE.--THE DEPARTMENT MAY ISSUE A
7 JUNIOR DRIVER'S LICENSE TO A PERSON 16 OR 17 YEARS OF AGE UNDER
8 RULES AND REGULATIONS ADOPTED BY THE DEPARTMENT AND SUBJECT TO
9 THE PROVISIONS OF THIS SECTION. A JUNIOR DRIVER'S LICENSE SHALL
10 AUTOMATICALLY BECOME A REGULAR DRIVER'S LICENSE WHEN THE JUNIOR
11 DRIVER ATTAINS 18 YEARS OF AGE.

12 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), NO LICENSED
13 JUNIOR DRIVER SHALL DRIVE A VEHICLE UPON A PUBLIC HIGHWAY
14 BETWEEN 11 P.M. AND 5 A.M. UNLESS ACCOMPANIED BY A SPOUSE 18
15 YEARS OF AGE OR OLDER, A PARENT OR A PERSON IN LOCO PARENTIS.

16 (2) A LICENSED JUNIOR DRIVER CONFORMING TO THE
17 REQUIREMENTS OF SECTION 1507 (RELATING TO APPLICATION FOR
18 DRIVER'S LICENSE OR LEARNER'S PERMIT BY MINOR) MAY DRIVE A
19 VEHICLE UPON A PUBLIC HIGHWAY BETWEEN 11 P.M. AND 5 A.M.
20 BETWEEN THE JUNIOR DRIVER'S HOME AND ACTIVITY OR EMPLOYMENT
21 OR IN THE COURSE OF THE JUNIOR DRIVER'S ACTIVITY OR
22 EMPLOYMENT IF THE JUNIOR DRIVER IS A MEMBER OF A VOLUNTEER
23 FIRE COMPANY AUTHORIZED BY THE FIRE CHIEF TO ENGAGE IN
24 FIGHTING FIRES, IS ENGAGED IN PUBLIC OR CHARITABLE SERVICE OR
25 IS EMPLOYED AND IS CARRYING AN AFFIDAVIT OR CERTIFICATE OF
26 AUTHORIZATION SIGNED BY THE JUNIOR DRIVER'S FIRE CHIEF,
27 SUPERVISOR OR EMPLOYER INDICATING THE PROBABLE SCHEDULE OF
28 THE JUNIOR DRIVER'S ACTIVITIES. UPON TERMINATION OF THE
29 JUNIOR DRIVER'S ACTIVITY OR EMPLOYMENT, THE JUNIOR DRIVER
30 SHALL SURRENDER THE AFFIDAVIT OR CERTIFICATE TO THE FIRE

1 CHIEF, SUPERVISOR OR EMPLOYER. IF THE JUNIOR DRIVER SHALL
2 FAIL TO SURRENDER THE AFFIDAVIT OR CERTIFICATE, THE EMPLOYER,
3 FIRE CHIEF OR SUPERVISOR SHALL IMMEDIATELY NOTIFY THE
4 PENNSYLVANIA STATE POLICE.

5 (2.1) FOR THE FIRST SIX MONTHS AFTER ISSUANCE OF THE
6 JUNIOR DRIVER'S LICENSE, A JUNIOR DRIVER SHALL NOT DRIVE A
7 VEHICLE WITH MORE THAN ONE PASSENGER UNDER 18 YEARS OF AGE
8 WHO IS NOT A MEMBER OF THE DRIVER'S IMMEDIATE FAMILY UNLESS
9 THE JUNIOR DRIVER IS ACCOMPANIED BY A PARENT OR LEGAL
10 GUARDIAN. AFTER THE EXPIRATION OF THE FIRST SIX MONTHS, A
11 JUNIOR DRIVER SHALL NOT DRIVE A VEHICLE WITH MORE THAN THREE
12 PASSENGERS UNDER 18 YEARS OF AGE WHO ARE NOT MEMBERS OF THE
13 DRIVER'S IMMEDIATE FAMILY UNLESS THE JUNIOR DRIVER IS
14 ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN. A JUNIOR DRIVER
15 SHALL NOT DRIVE A VEHICLE WITH MORE THAN ONE PASSENGER UNDER
16 18 YEARS OF AGE WHO IS NOT A MEMBER OF THE DRIVER'S IMMEDIATE
17 FAMILY UNLESS THE JUNIOR DRIVER IS ACCOMPANIED BY A PARENT OR
18 LEGAL GUARDIAN IF THE JUNIOR DRIVER HAS BEEN INVOLVED IN AN
19 ACCIDENT REPORTABLE UNDER SECTION 3746(A) (RELATING TO
20 IMMEDIATE NOTICE OF ACCIDENT TO POLICE DEPARTMENT) FOR WHICH
21 THE JUNIOR DRIVER IS PARTIALLY OR FULLY RESPONSIBLE IN THE
22 OPINION OF THE DEPARTMENT OR HAS BEEN CONVICTED OF ANY
23 VIOLATION OF THIS TITLE. FOR PURPOSES OF THIS SUBSECTION, A
24 JUNIOR DRIVER'S IMMEDIATE FAMILY SHALL INCLUDE BROTHERS,
25 SISTERS, STEPBROTHERS OR STEPSISTERS OF THE DRIVER, INCLUDING
26 ADOPTED OR FOSTER CHILDREN RESIDING IN THE SAME HOUSEHOLD AS
27 THE JUNIOR DRIVER.

28 (3) IN ADDITION TO THE OTHER PROVISIONS OF THIS TITLE
29 RELATING TO THE SUSPENSION OR REVOCATION OF OPERATING
30 PRIVILEGES, IN THE EVENT THAT A LICENSED JUNIOR DRIVER IS

1 INVOLVED IN AN ACCIDENT REPORTABLE UNDER SECTION 3746(A) FOR
2 WHICH THE JUNIOR DRIVER IS PARTIALLY OR FULLY RESPONSIBLE IN
3 THE OPINION OF THE DEPARTMENT OR IS CONVICTED OF ANY
4 VIOLATION OF THIS TITLE, THE DEPARTMENT MAY SUSPEND THE
5 OPERATING PRIVILEGES OF THE JUNIOR DRIVER UNTIL THE JUNIOR
6 DRIVER ATTAINS 18 YEARS OF AGE OR FOR A PERIOD OF TIME NOT
7 EXCEEDING 90 DAYS.

8 (4) ANY JUNIOR DRIVER OR OTHER PERSON VIOLATING ANY
9 PROVISION OF THIS SUBSECTION IS GUILTY OF A SUMMARY OFFENSE.

10 § 1538. SCHOOL, EXAMINATION OR HEARING ON ACCUMULATION OF
11 POINTS OR EXCESSIVE SPEEDING.

12 * * *

13 (E) ADDITIONAL SUSPENSION OF OPERATING PRIVILEGE.--

14 (1) IN ADDITION TO ANY OTHER PROVISIONS OF LAW RELATING
15 TO THE SUSPENSION OR REVOCATION OF OPERATING PRIVILEGES, A
16 PERSON'S OPERATING PRIVILEGES SHALL BE SUSPENDED UNDER ANY OF
17 THE FOLLOWING CIRCUMSTANCES:

18 (I) PRIOR TO REACHING AGE 18, THE PERSON VIOLATES
19 SECTION 3362 (RELATING TO MAXIMUM SPEED LIMITS) BY
20 TRAVELING 26 MILES PER HOUR OR MORE OVER THE POSTED SPEED
21 LIMIT AND THE VIOLATION RESULTS IN A CONVICTION, GUILTY
22 PLEA OR PLEA OF NO CONTEST BEFORE OR AFTER THE PERSON
23 REACHES AGE 18.

24 (II) THE PERSON ACCUMULATES SIX OR MORE POINTS UNDER
25 THE PROVISIONS OF SECTION 1535 (RELATING TO SCHEDULE OF
26 CONVICTIONS AND POINTS) AND THE VIOLATIONS RESULTING IN
27 POINTS ACCUMULATION WERE COMMITTED BEFORE THE PERSON
28 REACHED AGE 18.

29 (2) THE FIRST SUSPENSION UNDER PARAGRAPH (1) SHALL BE
30 FOR A PERIOD OF 90 DAYS WITH EVERY SUBSEQUENT SUSPENSION

1 UNDER PARAGRAPH (1) TO BE FOR A PERIOD OF 120 DAYS.
2 SUSPENSIONS UNDER PARAGRAPH (1) SHALL BE IMPOSED
3 CONSECUTIVELY TO EACH OTHER AND TO ANY OTHER SUSPENSION. A
4 SUSPENSION UNDER PARAGRAPH (1) SHALL BE CONSIDERED A
5 SUBSEQUENT SUSPENSION EVEN IF IT IS IMPOSED CONTEMPORANEOUSLY
6 WITH A FIRST SUSPENSION IMPOSED UNDER PARAGRAPH (1). A
7 SUSPENSION UNDER THIS PARAGRAPH SHALL BE IN LIEU OF A
8 SUSPENSION UNDER SUBSECTION (D) (1).

9 (3) AN INSURER SHALL TREAT A SUSPENSION OF A PERSON
10 UNDER THIS SUBSECTION THE SAME AS A PERSON OVER 18 YEARS OF
11 AGE FOR A SIMILAR VIOLATION FOR THE PURPOSE OF AUTOMOBILE
12 INSURANCE AND MAY NOT INCREASE PREMIUMS, IMPOSE ANY SURCHARGE
13 OR RATE PENALTY OR MAKE ANY DRIVER RECORD POINT ASSIGNMENT
14 FOR AUTOMOBILE INSURANCE IN A MANNER DIFFERENT FROM THAT OF A
15 PERSON OVER 18 YEARS OF AGE.

16 SECTION 3. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:
17 § 3316. PROHIBITING USE OF INTERACTIVE WIRELESS COMMUNICATIONS
18 DEVICES.

19 (A) PROHIBITION.--

20 (1) EXCEPT AS OTHERWISE PROVIDED UNDER SUBSECTION (B),
21 NO PERSON SHALL DRIVE A MOTOR VEHICLE UPON A ROADWAY OR
22 TRAFFICWAY IN THIS COMMONWEALTH WHILE USING AN INTERACTIVE
23 WIRELESS COMMUNICATIONS DEVICE.

24 (2) A CONVICTION OR DETAINMENT 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 DETAINED OR CONVICTED OF ANY OTHER PROVISION OF THIS TITLE.

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

29 (1) PERSONS WHO USE AN INTERACTIVE WIRELESS
30 COMMUNICATIONS DEVICE TO CONTACT A 511 SERVICE OR 911 SYSTEM

1 OR WIRELESS E-911 SERVICE, AS DEFINED IN THE ACT OF JULY 9,
2 1990 (P.L.340, NO.78), KNOWN AS THE PUBLIC SAFETY EMERGENCY
3 TELEPHONE ACT.

4 (2) PERSONS WHO USE AN INTERACTIVE WIRELESS
5 COMMUNICATIONS DEVICE WHEN THE VEHICLE IS STOPPED DUE TO
6 TRAFFIC OBSTRUCTION AND THE MOTOR VEHICLE TRANSMISSION IS IN
7 NEUTRAL OR PARK.

8 (3) OPERATORS OF EMERGENCY VEHICLES WHO USE AN
9 INTERACTIVE WIRELESS COMMUNICATIONS DEVICE FOR VOICE
10 COMMUNICATION FOR THE PURPOSE OF RESPONDING TO AN EMERGENCY
11 WHILE ENGAGED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

12 (4) VOLUNTEER EMERGENCY RESPONDERS WHO USE AN
13 INTERACTIVE WIRELESS COMMUNICATIONS DEVICE FOR VOICE
14 COMMUNICATION FOR THE PURPOSE OF RESPONDING TO AN EMERGENCY
15 WHILE ENGAGED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

16 (5) AMATEUR RADIO OPERATORS WHO USE AN INTERACTIVE
17 WIRELESS COMMUNICATIONS DEVICE FOR VOICE COMMUNICATION.

18 (C) SEIZURE.--THE PROVISIONS OF THIS SECTION SHALL NOT BE
19 CONSTRUED AS AUTHORIZING THE SEIZURE OR FORFEITURE OF AN
20 INTERACTIVE WIRELESS COMMUNICATIONS DEVICE, UNLESS OTHERWISE
21 PROVIDED BY LAW.

22 (D) PENALTY.--ANY PERSON WHO VIOLATES SUBSECTION (A) (1)
23 COMMITTS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE
24 SENTENCED TO PAY A FINE OF \$100. A VIOLATION OF SUBSECTION (A)
25 (1) SHALL NOT RESULT IN THE ACCUMULATION OF POINTS UNDER THIS
26 TITLE.

27 (E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
28 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
29 SUBSECTION:

30 "VOLUNTEER EMERGENCY RESPONDER." ANY OF THE FOLLOWING:

1 (1) A MEMBER OF A VOLUNTEER AMBULANCE SERVICE AS DEFINED
2 IN 35 PA.C.S. § 7802 (RELATING TO DEFINITIONS);

3 (2) A MEMBER OF A VOLUNTEER FIRE COMPANY AS DEFINED IN
4 35 PA.C.S § 7802; OR

5 (3) A MEMBER OF A VOLUNTEER RESCUE COMPANY AS DEFINED IN
6 35 PA.C.S § 7802.

7 SECTION 4. SECTIONS 3326(C), 3327(E) AND 3752(A) OF TITLE 75
8 ARE AMENDED TO READ:

9 § 3326. DUTY OF DRIVER IN CONSTRUCTION AND MAINTENANCE AREAS OR
10 ON HIGHWAY SAFETY CORRIDORS.

11 * * *

12 (C) FINES TO BE DOUBLED.--FOR ANY OF THE FOLLOWING
13 VIOLATIONS, WHEN COMMITTED IN AN ACTIVE WORK ZONE MANNED BY
14 WORKERS ACTING IN THEIR OFFICIAL CAPACITY OR ON A HIGHWAY SAFETY
15 CORRIDOR DESIGNATED UNDER SECTION 6105.1 (RELATING TO
16 DESIGNATION OF HIGHWAY SAFETY CORRIDORS), THE FINE SHALL BE
17 DOUBLE THE USUAL AMOUNT:

18 SECTION 3102 (RELATING TO OBEDIENCE TO AUTHORIZED PERSONS
19 DIRECTING TRAFFIC).

20 SECTION 3111 (RELATING TO OBEDIENCE TO TRAFFIC-CONTROL
21 DEVICES).

22 SECTION 3112 (RELATING TO TRAFFIC-CONTROL SIGNALS).

23 SECTION 3114 (RELATING TO FLASHING SIGNALS).

24 SECTION 3302 (RELATING TO MEETING VEHICLE PROCEEDING IN
25 OPPOSITE DIRECTION).

26 SECTION 3303 (RELATING TO OVERTAKING VEHICLE ON THE LEFT).

27 SECTION 3304 (RELATING TO OVERTAKING VEHICLE ON THE RIGHT).

28 SECTION 3305 (RELATING TO LIMITATIONS ON OVERTAKING ON THE
29 LEFT).

30 SECTION 3306 (RELATING TO LIMITATIONS ON DRIVING ON LEFT SIDE

1 OF ROADWAY) .

2 SECTION 3307 (RELATING TO NO-PASSING ZONES) .

3 SECTION 3309 (RELATING TO DRIVING ON ROADWAYS LANED FOR
4 TRAFFIC) .

5 SECTION 3310 (RELATING TO FOLLOWING TOO CLOSELY) .

6 SECTION 3316 (RELATING TO PROHIBITING INTERACTIVE WIRELESS
7 COMMUNICATIONS DEVICES) .

8 SECTION 3323 (RELATING TO STOP SIGNS AND YIELD SIGNS) .

9 SECTION 3326 (RELATING TO DUTY OF DRIVER IN CONSTRUCTION AND
10 MAINTENANCE AREAS OR ON HIGHWAY SAFETY CORRIDORS) .

11 SECTION 3361 (RELATING TO DRIVING VEHICLE AT SAFE SPEED) .

12 SECTION 3362 (RELATING TO MAXIMUM SPEED LIMITS) .

13 SECTION 3702 (RELATING TO LIMITATIONS ON BACKING) .

14 SECTION 3714 (RELATING TO CARELESS DRIVING) .

15 SECTION 3736 (RELATING TO RECKLESS DRIVING) .

16 SECTION 3802 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL
17 OR CONTROLLED SUBSTANCE) .

18 * * *

19 § 3327. DUTY OF DRIVER IN EMERGENCY RESPONSE AREAS.

20 * * *

21 (E) FINES TO BE DOUBLED.--IN ADDITION TO ANY PENALTY AS
22 PROVIDED IN SUBSECTION (B), THE FINE FOR ANY OF THE FOLLOWING
23 VIOLATIONS WHEN COMMITTED IN AN EMERGENCY RESPONSE AREA MANNED
24 BY EMERGENCY SERVICE RESPONDERS SHALL BE DOUBLE THE USUAL
25 AMOUNT:

26 SECTION 3102 (RELATING TO OBEDIENCE TO AUTHORIZED PERSONS
27 DIRECTING TRAFFIC) .

28 SECTION 3111 (RELATING TO OBEDIENCE TO TRAFFIC-CONTROL
29 DEVICES) .

30 SECTION 3114 (RELATING TO FLASHING SIGNALS) .

1 SECTION 3302 (RELATING TO MEETING VEHICLE PROCEEDING IN
2 OPPOSITE DIRECTION) .

3 SECTION 3303 (RELATING TO OVERTAKING VEHICLE ON THE LEFT) .

4 SECTION 3304 (RELATING TO OVERTAKING VEHICLE ON THE RIGHT) .

5 SECTION 3305 (RELATING TO LIMITATIONS ON OVERTAKING ON THE
6 LEFT) .

7 SECTION 3306 (RELATING TO LIMITATIONS ON DRIVING ON LEFT SIDE
8 OF ROADWAY) .

9 SECTION 3307 (RELATING TO NO-PASSING ZONES) .

10 SECTION 3310 (RELATING TO FOLLOWING TOO CLOSELY) .

11 SECTION 3312 (RELATING TO LIMITED ACCESS HIGHWAY ENTRANCES
12 AND EXITS) .

13 SECTION 3316 (RELATING TO PROHIBITING INTERACTIVE WIRELESS
14 COMMUNICATIONS DEVICES) .

15 SECTION 3323 (RELATING TO STOP SIGNS AND YIELD SIGNS) .

16 SECTION 3325 (RELATING TO DUTY OF DRIVER ON APPROACH OF
17 EMERGENCY VEHICLE) .

18 SECTION 3361 (RELATING TO DRIVING VEHICLE AT SAFE SPEED) .

19 SECTION 3707 (RELATING TO DRIVING OR STOPPING CLOSE TO FIRE
20 APPARATUS) .

21 SECTION 3710 (RELATING TO STOPPING AT INTERSECTION OR
22 CROSSING TO PREVENT OBSTRUCTION) .

23 SECTION 3714 (RELATING TO CARELESS DRIVING) .

24 SECTION 3736 (RELATING TO RECKLESS DRIVING) .

25 SECTION 3802 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL
26 OR CONTROLLED SUBSTANCE) .

27 * * *

28 § 3752. ACCIDENT REPORT FORMS .

29 (A) FORM AND CONTENT.--THE DEPARTMENT SHALL PREPARE AND UPON
30 REQUEST SUPPLY TO ALL LAW ENFORCEMENT AGENCIES AND OTHER

1 APPROPRIATE AGENCIES OR INDIVIDUALS, FORMS FOR WRITTEN ACCIDENT
2 REPORTS AS REQUIRED IN THIS SUBCHAPTER SUITABLE WITH RESPECT TO
3 THE PERSONS REQUIRED TO MAKE THE REPORTS AND THE PURPOSES TO BE
4 SERVED. THE WRITTEN REPORT FORMS SHALL CALL FOR SUFFICIENTLY
5 DETAILED INFORMATION TO DISCLOSE WITH REFERENCE TO A VEHICLE
6 ACCIDENT THE CAUSE, CONDITIONS THEN EXISTING AND THE PERSONS AND
7 VEHICLES INVOLVED[.], INCLUDING WHETHER THE DRIVER OF THE
8 VEHICLE WAS USING AN INTERACTIVE WIRELESS COMMUNICATIONS DEVICE
9 WHEN THE ACCIDENT OCCURRED, AND SUCH OTHER INFORMATION AS THE
10 DEPARTMENT MAY REQUIRE. REPORTS FOR USE BY THE DRIVERS AND
11 OWNERS SHALL ALSO PROVIDE FOR INFORMATION RELATING TO FINANCIAL
12 RESPONSIBILITY.

13 * * *

14 SECTION 5. SECTION 3753 OF TITLE 75 IS AMENDED BY ADDING A
15 SUBSECTION TO READ:

16 § 3753. DEPARTMENT TO COMPILE, TABULATE AND ANALYZE ACCIDENT
17 REPORTS.

18 * * *

19 (B.1) CERTAIN REPORTS.--THE DEPARTMENT SHALL ANNUALLY
20 COMPILE AND MAKE AVAILABLE TO THE PUBLIC INFORMATION SUBMITTED
21 ON AN ACCIDENT REPORT CONCERNING INTERACTIVE WIRELESS
22 COMMUNICATIONS DEVICES IN MOTOR VEHICLES INVOLVED IN TRAFFIC
23 ACCIDENTS. THE REPORT SHALL NOTE WHETHER THE DRIVER OF THE MOTOR
24 VEHICLE WAS USING AN INTERACTIVE WIRELESS COMMUNICATIONS DEVICE
25 WHEN THE ACCIDENT OCCURRED. THE DEPARTMENT SHALL BIANNUALLY
26 COMPILE AND MAKE AVAILABLE TO THE PUBLIC INFORMATION SUBMITTED
27 ON AN ACCIDENT REPORT CONCERNING JUNIOR DRIVERS WITH MULTIPLE
28 PASSENGERS UNDER 18 YEARS OF AGE AND THE USE OF SEAT BELTS BY
29 DRIVERS AND PASSENGERS UNDER 18 YEARS OF AGE IN MOTOR VEHICLES
30 INVOLVED IN TRAFFIC ACCIDENTS. THE REPORT SHALL NOTE THE NUMBER

1 OF PASSENGERS UNDER 18 YEARS OF AGE IF THE DRIVER INVOLVED IN
2 THE ACCIDENT WAS A JUNIOR DRIVER AND WHETHER DRIVERS AND
3 PASSENGERS UNDER 18 YEARS OF AGE UTILIZED A SAFETY BELT SYSTEM.
4 THE DATA SHALL BE INCLUDED IN A REPORT SUBMITTED TO THE
5 TRANSPORTATION COMMITTEE OF THE SENATE AND THE TRANSPORTATION
6 COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

7 * * *

8 SECTION 6. SECTIONS 4527 AND 4581(A) OF TITLE 75 ARE AMENDED
9 TO READ:

10 § 4527. [TELEVISION] VIDEO RECEIVING EQUIPMENT.

11 (A) GENERAL RULE.--[NO] EXCEPT AS PROVIDED IN SUBSECTION
12 (B), NO PERSON SHALL DRIVE A MOTOR VEHICLE [OPERATED ON A
13 HIGHWAY SHALL BE] EQUIPPED WITH [TELEVISION-TYPE] ANY IMAGE
14 DISPLAY DEVICE, VIDEO RECEIVING EQUIPMENT, INCLUDING A RECEIVER,
15 A VIDEO MONITOR OR A TELEVISION OR VIDEO SCREEN CAPABLE OF
16 DISPLAYING A TELEVISION BROADCAST OR VIDEO SIGNAL THAT PRODUCES
17 ENTERTAINMENT OR BUSINESS APPLICATIONS OR SIMILAR EQUIPMENT
18 WHICH IS LOCATED IN THE MOTOR VEHICLE AT ANY POINT FORWARD OF
19 THE BACK OF THE DRIVER'S SEAT [OR OTHERWISE], OR WHICH IS
20 VISIBLE, DIRECTLY OR INDIRECTLY, TO THE DRIVER WHILE OPERATING
21 THE MOTOR VEHICLE.

22 (A.1) EXCEPT AS PROVIDED IN SUBSECTION (B), NO PERSON MAY
23 INSTALL IN A MOTOR VEHICLE AN IMAGE DISPLAY DEVICE INTENDED TO
24 BE VISIBLE TO A DRIVER IN THE NORMAL DRIVING POSITION WHEN THE
25 VEHICLE IS IN MOTION AND WHEN RESTRAINED BY THE SAFETY SEAT BELT
26 SYSTEM ADJUSTED IN ACCORDANCE WITH THE MANUFACTURER'S
27 RECOMMENDATIONS.

28 (B) EXCEPTION.--THIS SECTION SHALL NOT APPLY TO THE
29 FOLLOWING:

30 (1) [TELEVISION-TYPE RECEIVING EQUIPMENT] IMAGE DISPLAY

1 DEVICES IN A VEHICLE USED EXCLUSIVELY FOR SAFETY OR LAW
2 ENFORCEMENT PURPOSES AS APPROVED BY THE PENNSYLVANIA STATE
3 POLICE.

4 (2) [ELECTRONIC DISPLAYS] IMAGE DISPLAY DEVICES USED IN
5 CONJUNCTION WITH IN-VEHICLE NAVIGATION SYSTEMS, RELATED
6 TRAFFIC, ROAD AND WEATHER INFORMATION.

7 (3) IMAGE DISPLAY DEVICES THAT PROVIDE VEHICLE
8 INFORMATION RELATED TO THE DRIVING TASK OR TO ENHANCE OR
9 SUPPLEMENT THE DRIVER'S VIEW FORWARD, BEHIND OR TO THE SIDES
10 OF THE MOTOR VEHICLE OR PERMIT THE DRIVER TO MONITOR VEHICLE
11 OCCUPANTS BEHIND THE DRIVER.

12 (4) IMAGE DISPLAY DEVICES THAT DO NOT DISPLAY IMAGES TO
13 THE DRIVER WHILE THE VEHICLE IS IN MOTION.

14 (5) IMAGE DISPLAY DEVICES WHICH DISPLAY AN IMAGE WHILE A
15 VEHICLE IS PARKED.

16 (C) DEFINITIONS.--AS USED IN THIS SECTION, THE TERM "IMAGE
17 DISPLAY DEVICE" MEANS EQUIPMENT CAPABLE OF DISPLAYING TO THE
18 DRIVER OF THE MOTOR VEHICLE:

19 (1) A BROADCAST TELEVISION IMAGE; OR

20 (2) A VISUAL IMAGE, OTHER THAN TEXT, FROM A DIGITAL
21 VIDEO DISC OR OTHER STORAGE DEVICE.

22 § 4581. RESTRAINT SYSTEMS.

23 (A) OCCUPANT PROTECTION.--

24 (1) ANY PERSON WHO IS OPERATING A PASSENGER CAR, CLASS I
25 TRUCK, CLASS II TRUCK, CLASSIC MOTOR VEHICLE, ANTIQUE MOTOR
26 VEHICLE OR MOTOR HOME AND WHO TRANSPORTS A CHILD UNDER FOUR
27 YEARS OF AGE ANYWHERE IN THE MOTOR VEHICLE, INCLUDING THE
28 CARGO AREA, SHALL FASTEN SUCH CHILD SECURELY IN A CHILD
29 PASSENGER RESTRAINT SYSTEM, AS DEFINED IN SUBSECTION (D).

30 THIS SUBSECTION SHALL APPLY TO ALL PERSONS WHILE THEY ARE

1 OPERATORS OF MOTOR VEHICLES WHERE A SEATING POSITION IS
2 AVAILABLE WHICH IS EQUIPPED WITH A SEAT SAFETY BELT OR OTHER
3 MEANS TO SECURE THE SYSTEMS OR WHERE THE SEATING POSITION WAS
4 ORIGINALLY EQUIPPED WITH SEAT SAFETY BELTS.

5 (1.1) ANY PERSON WHO IS OPERATING A PASSENGER CAR, CLASS
6 I TRUCK, CLASS II TRUCK, CLASSIC MOTOR VEHICLE, ANTIQUE MOTOR
7 VEHICLE OR MOTOR HOME AND WHO TRANSPORTS A CHILD FOUR YEARS
8 OF AGE OR OLDER BUT UNDER EIGHT YEARS OF AGE ANYWHERE IN THE
9 MOTOR VEHICLE, INCLUDING THE CARGO AREA, SHALL FASTEN SUCH
10 CHILD SECURELY IN A FASTENED SAFETY SEAT BELT SYSTEM AND IN
11 AN APPROPRIATELY FITTING CHILD BOOSTER SEAT, AS DEFINED IN
12 SUBSECTION (D). THIS PARAGRAPH SHALL APPLY TO ALL PERSONS
13 WHILE THEY ARE OPERATORS OF MOTOR VEHICLES WHERE A SEATING
14 POSITION IS AVAILABLE WHICH IS EQUIPPED WITH A SEAT SAFETY
15 BELT OR OTHER MEANS TO SECURE THE SYSTEMS OR WHERE THE
16 SEATING POSITION WAS ORIGINALLY EQUIPPED WITH SEAT SAFETY
17 BELTS. [A CONVICTION UNDER THIS PARAGRAPH BY STATE OR LOCAL
18 LAW ENFORCEMENT AGENCIES SHALL OCCUR ONLY AS A SECONDARY
19 ACTION WHEN A DRIVER OF A MOTOR VEHICLE HAS BEEN CONVICTED OF
20 VIOLATING ANY OTHER PROVISION OF THIS TITLE.]

21 (2) [EXCEPT FOR CHILDREN UNDER EIGHT YEARS OF AGE AND
22 EXCEPT AS PROVIDED IN PARAGRAPHS (1) AND (1.1), EACH]

23 (I) THE DRIVER [AND FRONT SEAT OCCUPANT] OF A
24 PASSENGER CAR, CLASS I TRUCK, CLASS II TRUCK OR MOTOR
25 HOME OPERATED IN THIS COMMONWEALTH SHALL [WEAR] SECURE OR
26 CAUSE TO BE SECURED IN A PROPERLY ADJUSTED AND FASTENED
27 SAFETY SEAT BELT SYSTEM FOR THE DRIVER, IF UNDER 18 YEARS
28 OF AGE, AND EVERY VEHICLE OCCUPANT EIGHT YEARS OF AGE OR
29 OLDER BUT UNDER 18 YEARS OF AGE. [A CONVICTION UNDER THIS
30 PARAGRAPH BY STATE OR LOCAL LAW ENFORCEMENT AGENCIES

1 SHALL OCCUR ONLY AS A SECONDARY ACTION WHEN A DRIVER OF A
2 MOTOR VEHICLE HAS BEEN CONVICTED OF ANY OTHER PROVISION
3 OF THIS TITLE. THE DRIVER OF A PASSENGER AUTOMOBILE SHALL
4 SECURE OR CAUSE TO BE SECURED IN A PROPERLY ADJUSTED AND
5 FASTENED SAFETY SEAT BELT SYSTEM ANY OCCUPANT WHO IS
6 EIGHT YEARS OF AGE OR OLDER AND LESS THAN 18 YEARS OF
7 AGE.]

8 (II) EXCEPT FOR CHILDREN UNDER 18 YEARS OF AGE AND
9 EXCEPT AS PROVIDED IN PARAGRAPHS (1) AND (1.1) AND
10 SUBPARAGRAPH (I), EACH DRIVER AND FRONT SEAT OCCUPANT OF
11 A PASSENGER CAR, CLASS I TRUCK, CLASS II TRUCK, CLASSIC
12 MOTOR VEHICLE, ANTIQUE MOTOR VEHICLE OR MOTOR HOME
13 OPERATED IN THIS COMMONWEALTH SHALL WEAR A PROPERLY
14 ADJUSTED AND FASTENED SAFETY SEAT BELT SYSTEM.

15 (III) THIS PARAGRAPH SHALL NOT APPLY TO:

16 [(I)] (A) A DRIVER OR FRONT SEAT OCCUPANT OF ANY
17 VEHICLE MANUFACTURED BEFORE JULY 1, 1966.

18 [(II)] (B) A DRIVER OR FRONT SEAT OCCUPANT WHO
19 POSSESSES A WRITTEN VERIFICATION FROM A PHYSICIAN
20 THAT HE IS UNABLE TO WEAR A SAFETY SEAT BELT SYSTEM
21 FOR PHYSICAL OR MEDICAL REASONS, OR FROM A
22 PSYCHIATRIST OR OTHER SPECIALIST QUALIFIED TO MAKE AN
23 INFORMED JUDGMENT THAT HE IS UNABLE TO WEAR A SAFETY
24 SEAT BELT SYSTEM FOR PSYCHOLOGICAL REASONS.

25 [(III)] (C) A RURAL LETTER CARRIER WHILE
26 OPERATING ANY MOTOR VEHICLE DURING THE PERFORMANCE OF
27 HIS DUTIES AS A UNITED STATES POSTAL SERVICE RURAL
28 LETTER CARRIER ONLY BETWEEN THE FIRST AND LAST
29 DELIVERY POINTS.

30 [(IV)] (D) A DRIVER WHO MAKES FREQUENT STOPS AND

1 IS TRAVELING LESS THAN 15 MILES PER HOUR FOR THE
2 PURPOSE OF DELIVERING GOODS OR SERVICES WHILE IN THE
3 PERFORMANCE OF HIS DUTIES AND ONLY BETWEEN THE FIRST
4 AND LAST DELIVERY POINTS.

5 A VIOLATION OF THIS PARAGRAPH SHALL NOT BE SUBJECT TO THE
6 ASSESSMENT OF ANY POINTS UNDER SECTION 1535 (RELATING TO
7 SCHEDULE OF CONVICTIONS AND POINTS).

8 (3) A DRIVER WHO IS UNDER 18 YEARS OF AGE MAY NOT
9 OPERATE A MOTOR VEHICLE IN WHICH THE NUMBER OF PASSENGERS
10 EXCEEDS THE NUMBER OF AVAILABLE SAFETY SEAT BELTS IN THE
11 VEHICLE.

12 * * *

13 SECTION 7. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.