

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL****No. 314** Session of  
2011

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WASHINGTON AND GREENLEAF, JANUARY 28, 2011

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AS AMENDED ON THIRD CONSIDERATION, JUNE 6, 2011

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## 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 interactive wireless communications  
6 devices while operating motor vehicles; and further providing  
7 for duty of driver in construction and maintenance areas or  
8 on highway safety corridors, for duty of driver in emergency  
9 response areas, for accident report forms, for department to  
10 compile, tabulate and analyze accident reports, for  
11 television equipment and for restraint systems.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 declares that the part of this act that limits the number of  
14 passengers a junior driver may transport in a motor vehicle at  
15 one time may be referred to as Lacey's Law in honor of Lacey  
16 Gallagher.

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

19 Section 1. Section 102 of Title 75 of the Pennsylvania  
20 Consolidated Statutes is amended by adding a definition to read:

21 § 102. Definitions.

1 Subject to additional definitions contained in subsequent  
2 provisions of this title which are applicable to specific  
3 provisions of this title, the following words and phrases when  
4 used in this title shall have, unless the context clearly  
5 indicates otherwise, the meanings given to them in this section:

6 \* \* \*

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

13 (1) a device being used exclusively as a global  
14 positioning or navigation system;

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

17 (3) a communications device that is affixed to a mass  
18 transit vehicle, bus or school bus.

19 \* \* \*

20 Section 2. Sections 1503(c) and 1538(e) of Title 75 are  
21 amended to read:

22 § 1503. Persons ineligible for licensing; license issuance to  
23 minors; junior driver's license.

24 \* \* \*

25 (c) Junior driver's license.--The department may issue a  
26 junior driver's license to a person 16 or 17 years of age under  
27 rules and regulations adopted by the department and subject to  
28 the provisions of this section. A junior driver's license shall  
29 automatically become a regular driver's license when the junior  
30 driver attains 18 years of age.

1           (1) Except as provided in paragraph (2), no licensed  
2 junior driver shall drive a vehicle upon a public highway  
3 between 11 p.m. and 5 a.m. unless accompanied by a spouse 18  
4 years of age or older, a parent or a person in loco parentis.

5           (2) A licensed junior driver conforming to the  
6 requirements of section 1507 (relating to application for  
7 driver's license or learner's permit by minor) may drive a  
8 vehicle upon a public highway between 11 p.m. and 5 a.m.  
9 between the junior driver's home and activity or employment  
10 or in the course of the junior driver's activity or  
11 employment if the junior driver is a member of a volunteer  
12 fire company authorized by the fire chief to engage in  
13 fighting fires, is engaged in public or charitable service or  
14 is employed and is carrying an affidavit or certificate of  
15 authorization signed by the junior driver's fire chief,  
16 supervisor or employer indicating the probable schedule of  
17 the junior driver's activities. Upon termination of the  
18 junior driver's activity or employment, the junior driver  
19 shall surrender the affidavit or certificate to the fire  
20 chief, supervisor or employer. If the junior driver shall  
21 fail to surrender the affidavit or certificate, the employer,  
22 fire chief or supervisor shall immediately notify the  
23 Pennsylvania State Police.

24           (2.1) For the first six months after issuance of the  
25 junior driver's license, a junior driver shall not drive a  
26 vehicle with more than one passenger under 18 years of age  
27 who is not a member of the driver's immediate family unless  
28 the junior driver is accompanied by a parent or legal  
29 guardian. After the expiration of the first six months, a  
30 junior driver shall not drive a vehicle with more than three

1 passengers under 18 years of age who are not members of the  
2 driver's immediate family unless the junior driver is  
3 accompanied by a parent or legal guardian. A junior driver  
4 shall not drive a vehicle with more than one passenger under  
5 18 years of age who is not a member of the driver's immediate  
6 family unless the junior driver is accompanied by a parent or  
7 legal guardian if the junior driver has been involved in an  
8 accident reportable under section 3746(a) (relating to  
9 immediate notice of accident to police department) for which  
10 the junior driver is partially or fully responsible in the  
11 opinion of the department or has been convicted of any  
12 violation of this title. For purposes of this subsection, a  
13 junior driver's immediate family shall include brothers,  
14 sisters, stepbrothers or stepsisters of the driver, including  
15 adopted or foster children residing in the same household as  
16 the junior driver.

17 (3) In addition to the other provisions of this title  
18 relating to the suspension or revocation of operating  
19 privileges, in the event that a licensed junior driver is  
20 involved in an accident reportable under section 3746(a) for  
21 which the junior driver is partially or fully responsible in  
22 the opinion of the department or is convicted of any  
23 violation of this title, the department may suspend the  
24 operating privileges of the junior driver until the junior  
25 driver attains 18 years of age or for a period of time not  
26 exceeding 90 days.

27 (4) Any junior driver or other person violating any  
28 provision of this subsection is guilty of a summary offense.

29 § 1538. School, examination or hearing on accumulation of  
30 points or excessive speeding.

1 \* \* \*

2 (e) Additional suspension of operating privilege.--

3 (1) In addition to any other provisions of law relating  
4 to the suspension or revocation of operating privileges, a  
5 person's operating privileges shall be suspended under any of  
6 the following circumstances:

7 (i) Prior to reaching age 18, the person violates  
8 section 3362 (relating to maximum speed limits) by  
9 traveling 26 miles per hour or more over the posted speed  
10 limit and the violation results in a conviction, guilty  
11 plea or plea of no contest before or after the person  
12 reaches age 18.

13 (ii) The person accumulates six or more points under  
14 the provisions of section 1535 (relating to schedule of  
15 convictions and points) and the violations resulting in  
16 points accumulation were committed before the person  
17 reached age 18.

18 (2) The first suspension under paragraph (1) shall be  
19 for a period of 90 days with every subsequent suspension  
20 under paragraph (1) to be for a period of 120 days.  
21 Suspensions under paragraph (1) shall be imposed  
22 consecutively to each other and to any other suspension. A  
23 suspension under paragraph (1) shall be considered a  
24 subsequent suspension even if it is imposed contemporaneously  
25 with a first suspension imposed under paragraph (1). A  
26 suspension under this paragraph shall be in lieu of a  
27 suspension under subsection (d) (1).

28 (3) An insurer shall treat a suspension of a person  
29 under this subsection the same as a person over 18 years of  
30 age for a similar violation for the purpose of automobile

1 insurance and may not increase premiums, impose any surcharge  
2 or rate penalty or make any driver record point assignment  
3 for automobile insurance in a manner different from that of a  
4 person over 18 years of age.

5 Section 3. Title 75 is amended by adding a section to read:

6 § 3316. Prohibiting use of interactive wireless communications  
7 devices.

8 (a) Prohibition.--

9 (1) Except as otherwise provided under subsection (b),  
10 no person shall drive a motor vehicle upon a roadway or ←  
11 trafficway in this Commonwealth while using an interactive  
12 wireless communications device. NO PERSON SHALL DRIVE A MOTOR ←  
13 VEHICLE UPON A ROADWAY OR TRAFFICWAY IN THIS COMMONWEALTH  
14 WHILE USING AN INTERACTIVE WIRELESS COMMUNICATIONS DEVICE FOR  
15 A PURPOSE OTHER THAN:

16 (I) VOICE COMMUNICATION THROUGH THE USE OF AN  
17 INTERACTIVE WIRELESS COMMUNICATIONS DEVICE WHILE IN  
18 HANDS-FREE MODE;

19 (II) READING, SELECTING OR ENTERING A TELEPHONE  
20 NUMBER OR NAME INTO AN INTERACTIVE WIRELESS  
21 COMMUNICATIONS DEVICE FOR THE PURPOSE OF VOICE  
22 COMMUNICATION WHILE IN HANDS-FREE MODE; OR

23 (III) ACTIVATING OR DEACTIVATING AN INTERACTIVE  
24 WIRELESS COMMUNICATIONS DEVICE FOR THE PURPOSE OF VOICE  
25 COMMUNICATION WHILE IN HANDS-FREE MODE.

26 (2) NO PERSON WITH A LEARNER'S PERMIT OR JUNIOR DRIVER'S  
27 LICENSE SHALL DRIVE A MOTOR VEHICLE UPON A ROADWAY OR  
28 TRAFFICWAY IN THIS COMMONWEALTH WHILE USING AN INTERACTIVE  
29 WIRELESS COMMUNICATIONS DEVICE.

30 ~~(2)~~ (3) A conviction or detainment under this subsection ←

1 by State or local law enforcement agencies shall occur only  
2 as a secondary action when a driver of a motor vehicle has  
3 been detained or convicted of any other provision of this  
4 title.

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

6 (1) Persons who use an interactive wireless  
7 communications device to contact a 511 service or 911 system  
8 or wireless E-911 service, as defined in the act of July 9,  
9 1990 (P.L.340, No.78), known as the Public Safety Emergency  
10 Telephone Act.

11 (2) Persons who use an interactive wireless  
12 communications device when the vehicle is stopped due to  
13 traffic obstruction and the motor vehicle transmission is in  
14 neutral or park.

15 (3) Operators of emergency vehicles who use an  
16 interactive wireless communications device for voice  
17 communication for the purpose of responding to an emergency  
18 while engaged in the performance of their official duties.

19 (4) Volunteer emergency responders who use an  
20 interactive wireless communications device for voice  
21 communication for the purpose of responding to an emergency  
22 while engaged in the performance of their official duties.

23 (5) Amateur radio operators who use an interactive  
24 wireless communications device for voice communication.

25 (6) CORONERS OR DEPUTY CORONERS WHO USE AN INTERACTIVE  
26 WIRELESS COMMUNICATIONS DEVICE FOR VOICE COMMUNICATION WHILE  
27 ENGAGED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

28 (c) Seizure.--The provisions of this section shall not be  
29 construed as authorizing the seizure or forfeiture of an  
30 interactive wireless communications device, unless otherwise



1 provided by law.

2 (d) Penalty.--Any person who violates subsection (a) (1) AND ←  
3 (2) commits a summary offense and shall, upon conviction, be  
4 sentenced to pay a fine of \$100. A violation of subsection (a)  
5 (1) AND (2) shall not result in the accumulation of points under ←  
6 this title.

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

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

14 "Volunteer emergency responder." Any of the following:

15 (1) a member of a volunteer ambulance service as defined  
16 in 35 Pa.C.S. § 7802 (relating to definitions);

17 (2) a member of a volunteer fire company as defined in  
18 35 Pa.C.S. § 7802; or

19 (3) a member of a volunteer rescue company as defined in  
20 35 Pa.C.S. § 7802.

21 Section 4. Sections 3326(c), 3327(e) and 3752(a) of Title 75  
22 are amended to read:

23 § 3326. Duty of driver in construction and maintenance areas or  
24 on highway safety corridors.

25 \* \* \*

26 (c) Fines to be doubled.--For any of the following  
27 violations, when committed in an active work zone manned by  
28 workers acting in their official capacity or on a highway safety  
29 corridor designated under section 6105.1 (relating to  
30 designation of highway safety corridors), the fine shall be



1 double the usual amount:

2 Section 3102 (relating to obedience to authorized persons  
3 directing traffic).

4 Section 3111 (relating to obedience to traffic-control  
5 devices).

6 Section 3112 (relating to traffic-control signals).

7 Section 3114 (relating to flashing signals).

8 Section 3302 (relating to meeting vehicle proceeding in  
9 opposite direction).

10 Section 3303 (relating to overtaking vehicle on the left).

11 Section 3304 (relating to overtaking vehicle on the right).

12 Section 3305 (relating to limitations on overtaking on the  
13 left).

14 Section 3306 (relating to limitations on driving on left side  
15 of roadway).

16 Section 3307 (relating to no-passing zones).

17 Section 3309 (relating to driving on roadways laned for  
18 traffic).

19 Section 3310 (relating to following too closely).

20 Section 3316 (relating to prohibiting interactive wireless  
21 communications devices).

22 Section 3323 (relating to stop signs and yield signs).

23 Section 3326 (relating to duty of driver in construction and  
24 maintenance areas or on highway safety corridors).

25 Section 3361 (relating to driving vehicle at safe speed).

26 Section 3362 (relating to maximum speed limits).

27 Section 3702 (relating to limitations on backing).

28 Section 3714 (relating to careless driving).

29 Section 3736 (relating to reckless driving).

30 Section 3802 (relating to driving under influence of alcohol

1 or controlled substance).

2 \* \* \*

3 § 3327. Duty of driver in emergency response areas.

4 \* \* \*

5 (e) Fines to be doubled.--In addition to any penalty as  
6 provided in subsection (b), the fine for any of the following  
7 violations when committed in an emergency response area manned  
8 by emergency service responders shall be double the usual  
9 amount:

10 Section 3102 (relating to obedience to authorized persons  
11 directing traffic).

12 Section 3111 (relating to obedience to traffic-control  
13 devices).

14 Section 3114 (relating to flashing signals).

15 Section 3302 (relating to meeting vehicle proceeding in  
16 opposite direction).

17 Section 3303 (relating to overtaking vehicle on the left).

18 Section 3304 (relating to overtaking vehicle on the right).

19 Section 3305 (relating to limitations on overtaking on the  
20 left).

21 Section 3306 (relating to limitations on driving on left side  
22 of roadway).

23 Section 3307 (relating to no-passing zones).

24 Section 3310 (relating to following too closely).

25 Section 3312 (relating to limited access highway entrances  
26 and exits).

27 Section 3316 (relating to prohibiting interactive wireless  
28 communications devices).

29 Section 3323 (relating to stop signs and yield signs).

30 Section 3325 (relating to duty of driver on approach of

1 emergency vehicle).

2 Section 3361 (relating to driving vehicle at safe speed).

3 Section 3707 (relating to driving or stopping close to fire  
4 apparatus).

5 Section 3710 (relating to stopping at intersection or  
6 crossing to prevent obstruction).

7 Section 3714 (relating to careless driving).

8 Section 3736 (relating to reckless driving).

9 Section 3802 (relating to driving under influence of alcohol  
10 or controlled substance).

11 \* \* \*

12 § 3752. Accident report forms.

13 (a) Form and content.--The department shall prepare and upon  
14 request supply to all law enforcement agencies and other  
15 appropriate agencies or individuals, forms for written accident  
16 reports as required in this subchapter suitable with respect to  
17 the persons required to make the reports and the purposes to be  
18 served. The written report forms shall call for sufficiently  
19 detailed information to disclose with reference to a vehicle  
20 accident the cause, conditions then existing and the persons and  
21 vehicles involved[.], including whether the driver of the  
22 vehicle was using an interactive wireless communications device  
23 when the accident occurred, and such other information as the  
24 department may require. Reports for use by the drivers and  
25 owners shall also provide for information relating to financial  
26 responsibility.

27 \* \* \*

28 Section 5. Section 3753 of Title 75 is amended by adding a  
29 subsection to read:

30 § 3753. Department to compile, tabulate and analyze accident

1 reports.

2 \* \* \*

3 (b.1) Certain reports.--The department shall annually  
4 compile and make available to the public information submitted  
5 on an accident report concerning interactive wireless  
6 communications devices in motor vehicles involved in traffic  
7 accidents. The report shall note whether the driver of the motor  
8 vehicle was using an interactive wireless communications device  
9 when the accident occurred. The department shall biannually  
10 compile and make available to the public information submitted  
11 on an accident report concerning junior drivers with multiple  
12 passengers under 18 years of age and the use of seat belts by  
13 drivers and passengers under 18 years of age in motor vehicles  
14 involved in traffic accidents. The report shall note the number  
15 of passengers under 18 years of age if the driver involved in  
16 the accident was a junior driver and whether drivers and  
17 passengers under 18 years of age utilized a safety belt system.  
18 The data shall be included in a report submitted to the  
19 Transportation Committee of the Senate and the Transportation  
20 Committee of the House of Representatives.

21 \* \* \*

22 Section 6. Sections 4527 and 4581(a) AND (B) of Title 75 are ←  
23 amended to read:

24 § 4527. [Television] Video receiving equipment.

25 (a) General rule.--[No] Except as provided in subsection  
26 (b), no person shall drive a motor vehicle [operated on a  
27 highway shall be] equipped with [television-type] any image  
28 display device, video receiving equipment, including a receiver,  
29 a video monitor or a television or video screen capable of  
30 displaying a television broadcast or video signal that produces

1 entertainment or business applications or similar equipment  
2 which is located in the motor vehicle at any point forward of  
3 the back of the driver's seat [or otherwise], or which is  
4 visible, directly or indirectly, to the driver while operating  
5 the motor vehicle.

6 (a.1) Except as provided in subsection (b), no person may  
7 install in a motor vehicle an image display device intended to  
8 be visible to a driver in the normal driving position when the  
9 vehicle is in motion and when restrained by the safety seat belt  
10 system adjusted in accordance with the manufacturer's  
11 recommendations.

12 (b) Exception.--This section shall not apply to the  
13 following:

14 (1) [Television-type receiving equipment] Image display  
15 devices in a vehicle used exclusively for safety or law  
16 enforcement purposes as approved by the Pennsylvania State  
17 Police.

18 (2) [Electronic displays] Image display devices used in  
19 conjunction with in-vehicle navigation systems, related  
20 traffic, road and weather information.

21 (3) Image display devices that provide vehicle  
22 information related to the driving task or to enhance or  
23 supplement the driver's view forward, behind or to the sides  
24 of the motor vehicle or permit the driver to monitor vehicle  
25 occupants behind the driver.

26 (4) Image display devices that do not display images to  
27 the driver while the vehicle is in motion.

28 (5) Image display devices which display an image while a  
29 vehicle is parked.

30 (c) Definitions.--As used in this section, the term "image

1 display device" means equipment capable of displaying to the  
2 driver of the motor vehicle:

3 (1) a broadcast television image; or

4 (2) a visual image, other than text, from a digital  
5 video disc or other storage device.

6 § 4581. Restraint systems.

7 (a) Occupant protection.--

8 (1) Any person who is operating a passenger car, Class I  
9 truck, Class II truck, classic motor vehicle, antique motor  
10 vehicle or motor home and who transports a child under four  
11 years of age anywhere in the motor vehicle, including the  
12 cargo area, shall fasten such child securely in a child  
13 passenger restraint system, as defined in subsection (d).

14 This subsection shall apply to all persons while they are  
15 operators of motor vehicles where a seating position is  
16 available which is equipped with a seat safety belt or other  
17 means to secure the systems or where the seating position was  
18 originally equipped with seat safety belts.

19 (1.1) Any person who is operating a passenger car, Class  
20 I truck, Class II truck, classic motor vehicle, antique motor  
21 vehicle or motor home and who transports a child four years  
22 of age or older but under eight years of age anywhere in the  
23 motor vehicle, including the cargo area, shall fasten such  
24 child securely in a fastened safety seat belt system and in  
25 an appropriately fitting child booster seat, as defined in  
26 subsection (d). This paragraph shall apply to all persons  
27 while they are operators of motor vehicles where a seating  
28 position is available which is equipped with a seat safety  
29 belt or other means to secure the systems or where the  
30 seating position was originally equipped with seat safety

1 belts. [A conviction under this paragraph by State or local  
2 law enforcement agencies shall occur only as a secondary  
3 action when a driver of a motor vehicle has been convicted of  
4 violating any other provision of this title.]

5 (2) [Except for children under eight years of age and  
6 except as provided in paragraphs (1) and (1.1), each]

7 (i) The driver [and front seat occupant] of a  
8 passenger car, Class I truck, Class II truck or motor  
9 home operated in this Commonwealth shall [wear] secure or  
10 cause to be secured in a properly adjusted and fastened  
11 safety seat belt system for the driver, if under 18 years  
12 of age, and every vehicle occupant eight years of age or  
13 older but under 18 years of age. [A conviction under this  
14 paragraph by State or local law enforcement agencies  
15 shall occur only as a secondary action when a driver of a  
16 motor vehicle has been convicted of any other provision  
17 of this title. The driver of a passenger automobile shall  
18 secure or cause to be secured in a properly adjusted and  
19 fastened safety seat belt system any occupant who is  
20 eight years of age or older and less than 18 years of  
21 age.]

22 (ii) Except for children under 18 years of age and  
23 except as provided in paragraphs (1) and (1.1) and  
24 subparagraph (i), each driver and front seat occupant of  
25 a passenger car, Class I truck, Class II truck, classic  
26 motor vehicle, antique motor vehicle or motor home  
27 operated in this Commonwealth shall wear a properly  
28 adjusted and fastened safety seat belt system.

29 (iii) This paragraph shall not apply to:

30 [(i)] (A) A driver or front seat occupant of any

1 vehicle manufactured before July 1, 1966.

2 [(ii)] (B) A driver or front seat occupant who  
3 possesses a written verification from a physician  
4 that he is unable to wear a safety seat belt system  
5 for physical or medical reasons, or from a  
6 psychiatrist or other specialist qualified to make an  
7 informed judgment that he is unable to wear a safety  
8 seat belt system for psychological reasons.

9 [(iii)] (C) A rural letter carrier while  
10 operating any motor vehicle during the performance of  
11 his duties as a United States postal service rural  
12 letter carrier only between the first and last  
13 delivery points.

14 [(iv)] (D) A driver who makes frequent stops and  
15 is traveling less than 15 miles per hour for the  
16 purpose of delivering goods or services while in the  
17 performance of his duties and only between the first  
18 and last delivery points.

19 A violation of this paragraph shall not be subject to the  
20 assessment of any points under section 1535 (relating to  
21 schedule of convictions and points).

22 (3) A driver who is under 18 years of age may not  
23 operate a motor vehicle in which the number of passengers  
24 exceeds the number of available safety seat belts in the  
25 vehicle.

26 (B) OFFENSE.--ANYONE WHO FAILS TO COMPLY WITH THE PROVISIONS  
27 OF SUBSECTION (A) (1) OR (1.1) SHALL BE GUILTY OF A SUMMARY  
28 OFFENSE WITH A MAXIMUM FINE OF \$100. THE COURT IMPOSING AND  
29 COLLECTING ANY SUCH FINES SHALL TRANSFER THE FINES THUS  
30 COLLECTED TO THE STATE TREASURER FOR DEPOSIT IN THE CHILD





1 PASSENGER RESTRAINT FUND, PURSUANT TO SECTION 4582 (RELATING TO  
2 CHILD PASSENGER RESTRAINT FUND). ANYONE WHO VIOLATES SUBSECTION  
3 (A) (2) OR (3) COMMITS A SUMMARY OFFENSE AND SHALL, UPON  
4 CONVICTION, BE SENTENCED TO PAY A FINE OF \$10. NO PERSON SHALL  
5 BE CONVICTED OF A VIOLATION OF SUBSECTION (A) (2) (II) UNLESS THE  
6 PERSON IS ALSO CONVICTED OF ANOTHER VIOLATION OF THIS TITLE  
7 WHICH OCCURRED AT THE SAME TIME. NO COSTS AS DESCRIBED IN 42  
8 PA.C.S. § 1725.1 (RELATING TO COSTS) SHALL BE IMPOSED FOR  
9 SUMMARY CONVICTION OF SUBSECTION (A) (2) OR (3). CONVICTION UNDER  
10 THIS SUBSECTION SHALL NOT CONSTITUTE A MOVING VIOLATION.

11 \* \* \*

12 Section 7. This act shall take effect in 60 days.