

THE GENERAL ASSEMBLY OF PENNSYLVANIA

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

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WASHINGTON AND GREENLEAF, JANUARY 28, 2011

AS AMENDED ON THIRD CONSIDERATION, JUNE 7, 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 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 for a purpose other than:

13 (i) voice communication through the use of an
14 interactive wireless communications device while in
15 hands-free mode;

16 (ii) reading, selecting or entering a telephone
17 number or name into an interactive wireless
18 communications device for the purpose of voice
19 communication while in hands-free mode; or

20 (iii) activating or deactivating an interactive
21 wireless communications device for the purpose of voice
22 communication while in hands-free mode.

23 (2) No person with a learner's permit or junior driver's
24 license shall drive a motor vehicle upon a roadway or
25 trafficway in this Commonwealth while using an interactive
26 wireless communications device.

27 (3) A conviction or detainment under this subsection by
28 State or local law enforcement agencies FOR USING AN
29 INTERACTIVE WIRELESS COMMUNICATIONS DEVICE FOR VOICE
30 COMMUNICATION shall occur only as a secondary action when a



1 driver of a motor vehicle has been detained or convicted of
2 any other provision of this title.

3 (4) STATE AND LOCAL LAW ENFORCEMENT AGENCIES SHALL ←
4 ENFORCE THE USE OF AN INTERACTIVE WIRELESS COMMUNICATIONS
5 DEVICE FOR TEXTING, E-MAILING, BROWSING THE INTERNET OR
6 INSTANT MESSAGING AS A PRIMARY ACTION.

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

8 (1) Persons who use an interactive wireless
9 communications device to contact a 511 service or 911 system
10 or wireless E-911 service, as defined in the act of July 9,
11 1990 (P.L.340, No.78), known as the Public Safety Emergency
12 Telephone Act.

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

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

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

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

27 (6) Coroners or deputy coroners who use an interactive
28 wireless communications device for voice communication while
29 engaged in the performance of their official duties.

30 (c) Seizure.--The provisions of this section shall not be

1 construed as authorizing the seizure or forfeiture of an
2 interactive wireless communications device, unless otherwise
3 provided by law.

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

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

12 "Hands-free mode." The use of an interactive wireless
13 communications device that allows the user to engage in
14 communication without the use of either hand by means of an
15 internal feature or function or an attachment or device.

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

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

19 (2) a member of a volunteer fire company as defined in
20 35 Pa.C.S. § 7802; or

21 (3) a member of a volunteer rescue company as defined in
22 35 Pa.C.S. § 7802.

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

25 § 3326. Duty of driver in construction and maintenance areas or
26 on highway safety corridors.

27 * * *

28 (c) Fines to be doubled.--For any of the following
29 violations, when committed in an active work zone manned by
30 workers acting in their official capacity or on a highway safety

1 corridor designated under section 6105.1 (relating to
2 designation of highway safety corridors), the fine shall be
3 double the usual amount:

4 Section 3102 (relating to obedience to authorized persons
5 directing traffic).

6 Section 3111 (relating to obedience to traffic-control
7 devices).

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

9 Section 3114 (relating to flashing signals).

10 Section 3302 (relating to meeting vehicle proceeding in
11 opposite direction).

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

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

14 Section 3305 (relating to limitations on overtaking on the
15 left).

16 Section 3306 (relating to limitations on driving on left side
17 of roadway).

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

19 Section 3309 (relating to driving on roadways laned for
20 traffic).

21 Section 3310 (relating to following too closely).

22 Section 3316 (relating to prohibiting interactive wireless
23 communications devices).

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

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

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

28 Section 3362 (relating to maximum speed limits).

29 Section 3702 (relating to limitations on backing).

30 Section 3714 (relating to careless driving).

1 Section 3736 (relating to reckless driving).

2 Section 3802 (relating to driving under influence of alcohol
3 or controlled substance).

4 * * *

5 § 3327. Duty of driver in emergency response areas.

6 * * *

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

12 Section 3102 (relating to obedience to authorized persons
13 directing traffic).

14 Section 3111 (relating to obedience to traffic-control
15 devices).

16 Section 3114 (relating to flashing signals).

17 Section 3302 (relating to meeting vehicle proceeding in
18 opposite direction).

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

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

21 Section 3305 (relating to limitations on overtaking on the
22 left).

23 Section 3306 (relating to limitations on driving on left side
24 of roadway).

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

26 Section 3310 (relating to following too closely).

27 Section 3312 (relating to limited access highway entrances
28 and exits).

29 Section 3316 (relating to prohibiting interactive wireless
30 communications devices).

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

2 Section 3325 (relating to duty of driver on approach of
3 emergency vehicle).

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

5 Section 3707 (relating to driving or stopping close to fire
6 apparatus).

7 Section 3710 (relating to stopping at intersection or
8 crossing to prevent obstruction).

9 Section 3714 (relating to careless driving).

10 Section 3736 (relating to reckless driving).

11 Section 3802 (relating to driving under influence of alcohol
12 or controlled substance).

13 * * *

14 § 3752. Accident report forms.

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

29 * * *

30 Section 5. Section 3753 of Title 75 is amended by adding a

1 subsection to read:

2 § 3753. Department to compile, tabulate and analyze accident
3 reports.

4 * * *

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

23 * * *

24 Section 6. Sections 4527 and 4581(a) and (b) of Title 75 are
25 amended to read:

26 § 4527. [Television] Video receiving equipment.

27 (a) General rule.--[No] Except as provided in subsection
28 (b), no person shall drive a motor vehicle [operated on a
29 highway shall be] equipped with [television-type] any image
30 display device, video receiving equipment, including a receiver,

1 a video monitor or a television or video screen capable of
2 displaying a television broadcast or video signal that produces
3 entertainment or business applications or similar equipment
4 which is located in the motor vehicle at any point forward of
5 the back of the driver's seat [or otherwise], or which is
6 visible, directly or indirectly, to the driver while operating
7 the motor vehicle.

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

14 (b) Exception.--This section shall not apply to the
15 following:

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

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

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

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

30 (5) Image display devices which display an image while a

1 vehicle is parked.

2 (c) Definitions.--As used in this section, the term "image
3 display device" means equipment capable of displaying to the
4 driver of the motor vehicle:

5 (1) a broadcast television image; or

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

8 § 4581. Restraint systems.

9 (a) Occupant protection.--

10 (1) Any person who is operating a passenger car, Class I
11 truck, Class II truck, classic motor vehicle, antique motor
12 vehicle or motor home and who transports a child under four
13 years of age anywhere in the motor vehicle, including the
14 cargo area, shall fasten such child securely in a child
15 passenger restraint system, as defined in subsection (d).
16 This subsection shall apply to all persons while they are
17 operators of motor vehicles where a seating position is
18 available which is equipped with a seat safety belt or other
19 means to secure the systems or where the seating position was
20 originally equipped with seat safety belts.

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

1 belt or other means to secure the systems or where the
2 seating position was originally equipped with seat safety
3 belts. [A conviction under this paragraph by State or local
4 law enforcement agencies shall occur only as a secondary
5 action when a driver of a motor vehicle has been convicted of
6 violating any other provision of this title.]

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

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

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

1 (iii) This paragraph shall not apply to:

2 [(i)] (A) A driver or front seat occupant of any
3 vehicle manufactured before July 1, 1966.

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

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

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

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

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

28 (b) Offense.--Anyone who fails to comply with the provisions
29 of subsection (a) (1) or (1.1) shall be guilty of a summary
30 offense with a maximum fine of \$100. The court imposing and

1 collecting any such fines shall transfer the fines thus
2 collected to the State Treasurer for deposit in the Child
3 Passenger Restraint Fund, pursuant to section 4582 (relating to
4 Child Passenger Restraint Fund). Anyone who violates subsection
5 (a) (2) or (3) commits a summary offense and shall, upon
6 conviction, be sentenced to pay a fine of \$10. No person shall
7 be convicted of a violation of subsection (a) (2) (ii) unless the
8 person is also convicted of another violation of this title
9 which occurred at the same time. No costs as described in 42
10 Pa.C.S. § 1725.1 (relating to costs) shall be imposed for
11 summary conviction of subsection (a) (2) or (3). Conviction under
12 this subsection shall not constitute a moving violation.

13 * * *

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