

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 314 Session of
2011

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WASHINGTON AND GREENLEAF, JANUARY 28, 2011

AS RE-REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 19, 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, FOR~~ ←
12 ~~APPLICABILITY AND UNIFORMITY OF LAW AND FOR DISPOSITION AND~~
13 ~~USE OF LIQUID FUELS AND FUELS TAX.~~
14 AMENDING TITLE 75 (VEHICLES) OF THE PENNSYLVANIA CONSOLIDATED ←
15 STATUTES, DEFINING "INTERACTIVE WIRELESS COMMUNICATIONS
16 DEVICE"; AND PROHIBITING USE OF INTERACTIVE WIRELESS
17 COMMUNICATIONS DEVICES FOR TEXT-BASED COMMUNICATIONS WHILE
18 OPERATING MOTOR VEHICLES.
19 ~~The General Assembly of the Commonwealth of Pennsylvania~~ ←
20 ~~declares that the part of this act that limits the number of~~
21 ~~passengers a junior driver may transport in a motor vehicle at~~
22 ~~one time may be referred to as Lacey's Law in honor of Lacey~~
23 ~~Gallagher.~~

1 The General Assembly of the Commonwealth of Pennsylvania
2 hereby enacts as follows:

3 ~~Section 1. Section 102 of Title 75 of the Pennsylvania~~ ←
4 ~~Consolidated Statutes is amended by adding a definition to read:~~
5 ~~§ 102. Definitions.~~

6 ~~Subject to additional definitions contained in subsequent~~
7 ~~provisions of this title which are applicable to specific~~
8 ~~provisions of this title, the following words and phrases when~~
9 ~~used in this title shall have, unless the context clearly~~
10 ~~indicates otherwise, the meanings given to them in this section:~~

11 * * *

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

18 ~~(1) a device being used exclusively as a global~~
19 ~~positioning or navigation system;~~

20 ~~(2) a system or device that is physically or~~
21 ~~electronically integrated into the vehicle; or~~

22 ~~(3) a communications device that is affixed to a mass~~
23 ~~transit vehicle, bus or school bus.~~

24 * * *

25 ~~Section 2. Sections 1503(c) and 1538(c) of Title 75 are~~ ←
26 ~~amended to read:~~

27 ~~§ 1503. Persons ineligible for licensing; license issuance to~~
28 ~~minors; junior driver's license.~~

29 * * *

30 ~~(c) Junior driver's license. The department may issue a~~

1 ~~junior driver's license to a person 16 or 17 years of age under~~
2 ~~rules and regulations adopted by the department and subject to~~
3 ~~the provisions of this section. A junior driver's license shall~~
4 ~~automatically become a regular driver's license when the junior~~
5 ~~driver attains 18 years of age.~~

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

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

29 ~~(2.1) For the first six months after issuance of the~~
30 ~~junior driver's license, a junior driver shall not drive a~~

~~vehicle with more than one passenger under 18 years of age who is not a member of the driver's immediate family unless the junior driver is accompanied by a parent or legal guardian. After the expiration of the first six months, a junior driver shall not drive a vehicle with more than three passengers under 18 years of age who are not members of the driver's immediate family unless the junior driver is accompanied by a parent or legal guardian. A junior driver shall not drive a vehicle with more than one passenger under 18 years of age who is not a member of the driver's immediate family unless the junior driver is accompanied by a parent or legal guardian if the junior driver has been involved in an accident reportable under section 3746(a) (relating to immediate notice of accident to police department) for which the junior driver is partially or fully responsible in the opinion of the department or has been convicted of any violation of this title. For purposes of this subsection, a junior driver's immediate family shall include brothers, sisters, stepbrothers or stepsisters of the driver, including adopted or foster children residing in the same household as the junior driver.~~

~~(3) In addition to the other provisions of this title relating to the suspension or revocation of operating privileges, in the event that a licensed junior driver is involved in an accident reportable under section 3746(a) for which the junior driver is partially or fully responsible in the opinion of the department or is convicted of any violation of this title, the department may suspend the operating privileges of the junior driver until the junior driver attains 18 years of age or for a period of time not~~

1 ~~exceeding 90 days.~~

2 ~~(4) Any junior driver or other person violating any~~
3 ~~provision of this subsection is guilty of a summary offense.~~
4 ~~§ 1538. School, examination or hearing on accumulation of~~
5 ~~points or excessive speeding.~~

6 * * *

7 ~~(e) Additional suspension of operating privilege.~~

8 ~~(1) In addition to any other provisions of law relating~~
9 ~~to the suspension or revocation of operating privileges, a~~
10 ~~person's operating privileges shall be suspended under any of~~
11 ~~the following circumstances:~~

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

18 ~~(ii) The person accumulates six or more points under~~
19 ~~the provisions of section 1535 (relating to schedule of~~
20 ~~convictions and points) and the violations resulting in~~
21 ~~points accumulation were committed before the person~~
22 ~~reached age 18.~~

23 ~~(2) The first suspension under paragraph (1) shall be~~
24 ~~for a period of 90 days with every subsequent suspension~~
25 ~~under paragraph (1) to be for a period of 120 days.~~
26 ~~Suspensions under paragraph (1) shall be imposed~~
27 ~~consecutively to each other and to any other suspension. A~~
28 ~~suspension under paragraph (1) shall be considered a~~
29 ~~subsequent suspension even if it is imposed contemporaneously~~
30 ~~with a first suspension imposed under paragraph (1). A~~

~~suspension under this paragraph shall be in lieu of a
suspension under subsection (d) (1).~~

~~(3) An insurer shall treat a suspension of a person
under this subsection the same as a person over 18 years of
age for a similar violation for the purpose of automobile
insurance and may not increase premiums, impose any surcharge
or rate penalty or make any driver record point assignment
for automobile insurance in a manner different from that of a
person over 18 years of age.~~

Section 3-2. Title 75 is amended by adding a section to
read:

~~§ 3316. Prohibiting use of interactive wireless communications
devices.~~

~~(a) Prohibition.~~

~~(1) Except as otherwise provided under subsection (b),
no person shall drive a motor vehicle upon a roadway or
traffway in this Commonwealth while using an interactive
wireless communications device for a purpose other than:~~

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

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

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

~~(2) No person with a learner's permit or junior driver's
license shall drive a motor vehicle upon a roadway or~~

1 ~~traffway in this Commonwealth while using an interactive~~
2 ~~wireless communications device.~~

3 ~~(3) A conviction or detainment under this subsection by~~
4 ~~State or local law enforcement agencies for using an~~
5 ~~interactive wireless communications device for voice~~
6 ~~communication shall occur only as a secondary action when a~~
7 ~~driver of a motor vehicle has been detained or convicted of~~
8 ~~any other provision of this title.~~

9 ~~(4) State and local law enforcement agencies shall~~
10 ~~enforce the use of an interactive wireless communications~~
11 ~~device for texting, e mailing, browsing the Internet or~~
12 ~~instant messaging as a primary action.~~

13 ~~(b) Exceptions. This section shall not apply to:~~

14 ~~(1) Persons who use an interactive wireless~~
15 ~~communications device to contact a 511 service or 911 system~~
16 ~~or wireless E 911 service, as defined in the act of July 9,~~
17 ~~1990 (P.L.340, No.78), known as the Public Safety Emergency~~
18 ~~Telephone Act.~~

19 ~~(2) Persons who use an interactive wireless~~
20 ~~communications device when the vehicle is stopped due to~~
21 ~~traffic obstruction and the motor vehicle transmission is in~~
22 ~~neutral or park.~~

23 ~~(3) Operators of emergency vehicles who use an~~
24 ~~interactive wireless communications device for voice~~
25 ~~communication for the purpose of responding to an emergency~~
26 ~~while engaged in the performance of their official duties.~~

27 ~~(4) Volunteer emergency responders who use an~~
28 ~~interactive wireless communications device for voice~~
29 ~~communication for the purpose of responding to an emergency~~
30 ~~while engaged in the performance of their official duties.~~

1 ~~(5) Amateur radio operators who use an interactive~~
2 ~~wireless communications device for voice communication.~~

3 ~~(6) Coroners or deputy coroners who use an interactive~~
4 ~~wireless communications device for voice communication while~~
5 ~~engaged in the performance of their official duties.~~

6 ~~(c) Seizure. The provisions of this section shall not be~~
7 ~~construed as authorizing the seizure or forfeiture of an~~
8 ~~interactive wireless communications device, unless otherwise~~
9 ~~provided by law.~~

10 ~~(d) Penalty. Any person who violates subsection (a) (1) and~~
11 ~~(2) commits a summary offense and shall, upon conviction, be~~
12 ~~sentenced to pay a fine of \$100. A violation of subsection (a)~~
13 ~~(1) and (2) shall not result in the accumulation of points under~~
14 ~~this title.~~

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

18 ~~"Hands free mode." The use of an interactive wireless~~
19 ~~communications device that allows the user to engage in~~
20 ~~communication without the use of either hand by means of an~~
21 ~~internal feature or function or an attachment or device.~~

22 ~~"Volunteer emergency responder." Any of the following:~~

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

25 ~~(2) a member of a volunteer fire company as defined in~~
26 ~~35 Pa.C.S. § 7802; or~~

27 ~~(3) a member of a volunteer rescue company as defined in~~
28 ~~35 Pa.C.S. § 7802.~~

29 ~~(1) NO DRIVER SHALL OPERATE A MOTOR VEHICLE ON A HIGHWAY~~ ←
30 ~~OR TRAFFICWAY IN THIS COMMONWEALTH WHILE USING AN INTERACTIVE~~

~~1 WIRELESS COMMUNICATIONS DEVICE TO SEND, READ OR WRITE A TEXT
2 BASED COMMUNICATION. A PERSON DOES NOT SEND, READ OR WRITE A
3 TEXT BASED COMMUNICATION WHEN READING, SELECTING OR ENTERING
4 A TELEPHONE NUMBER OR NAME IN AN INTERACTIVE WIRELESS
5 COMMUNICATIONS DEVICE FOR THE PURPOSE OF ACTIVATING OR
6 DEACTIVATING A VOICE COMMUNICATION.~~

~~7 (2) NO DRIVER WITH A LEARNER'S PERMIT OR JUNIOR DRIVER'S
8 LICENSE SHALL OPERATE A MOTOR VEHICLE ON A HIGHWAY OR
9 TRAFFICWAY IN THIS COMMONWEALTH WHILE USING AN INTERACTIVE
10 WIRELESS COMMUNICATIONS DEVICE.~~

~~11 (3) A CONVICTION UNDER THIS SUBSECTION BY STATE OR LOCAL
12 LAW ENFORCEMENT AGENCIES SHALL OCCUR ONLY AS A SECONDARY
13 ACTION WHEN A DRIVER OF A MOTOR VEHICLE HAS BEEN CONVICTED OF
14 ANY OTHER PROVISION OF THIS TITLE.~~

~~15 (B) EXCEPTIONS. SUBSECTION (A) SHALL NOT APPLY TO:~~

~~16 (1) PERSONS WHO USE AN INTERACTIVE WIRELESS
17 COMMUNICATIONS DEVICE TO CONTACT A 511 SERVICE OR 911 SYSTEM
18 TO REPORT AN ACCIDENT OR AN EMERGENCY;~~

~~19 (2) OPERATORS OF EMERGENCY VEHICLES WHILE ENGAGED IN THE
20 PERFORMANCE OF OFFICIAL DUTIES;~~

~~21 (3) OPERATORS OF PUBLIC PASSENGER TRANSPORTATION, AS
22 DEFINED BY 74 PA.C.S. § 1503 (RELATING TO DEFINITIONS), WHILE
23 ENGAGED IN THE PERFORMANCE OF OFFICIAL DUTIES; OR~~

~~24 (4) PERSONS WHO USE AN INTERACTIVE WIRELESS
25 COMMUNICATIONS DEVICE WHEN THE VEHICLE IS STOPPED AT AN
26 INTERSECTION OR DUE TO OBSTRUCTION AND THE TRANSMISSION IS IN
27 NEUTRAL OR PARK.~~

~~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. A PERSON WHO VIOLATES SUBSECTION (A) COMMITS A~~
3 ~~SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY~~
4 ~~A FINE OF \$50.~~

5 ~~(E) PREEMPTION OF LOCAL ORDINANCES. IN ACCORDANCE WITH~~
6 ~~SECTION 6101 (RELATING TO APPLICABILITY AND UNIFORMITY OF~~
7 ~~TITLE), THIS SECTION SUPERSEDES AND PREEMPTS ALL ORDINANCES OF~~
8 ~~ANY MUNICIPALITY WITH REGARD TO THE USE OF AN INTERACTIVE~~
9 ~~WIRELESS COMMUNICATIONS DEVICE BY THE DRIVER OF A MOTOR VEHICLE.~~

10 ~~(F) DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING~~
11 ~~WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS~~
12 ~~SUBSECTION:~~

13 ~~"511" OR "511 SERVICE." THREE DIGIT TELECOMMUNICATIONS~~
14 ~~DIALING TO ACCESS AN INTELLIGENT TRANSPORTATION SYSTEM TRAVELER~~
15 ~~INFORMATION SERVICE PROVIDED IN THIS COMMONWEALTH IN ACCORDANCE~~
16 ~~WITH THE FEDERAL COMMUNICATIONS COMMISSION AND THE UNITED STATES~~
17 ~~DEPARTMENT OF TRANSPORTATION.~~

18 ~~"911." THE NUMBER USED BY A PUBLIC AGENCY LOCATED IN WHOLE~~
19 ~~OR IN PART WITHIN THIS COMMONWEALTH AUTHORIZED BY LAW TO PROVIDE~~
20 ~~EMERGENCY TELEPHONE SERVICE TO ACCESS FIREFIGHTING, LAW~~
21 ~~ENFORCEMENT, AMBULANCE, EMERGENCY MEDICAL OR OTHER EMERGENCY~~
22 ~~SERVICES.~~

23 ~~"TEXT BASED COMMUNICATION." A TEXT MESSAGE, INSTANT MESSAGE,~~
24 ~~ELECTRONIC MAIL OR OTHER WRITTEN COMMUNICATION COMPOSED OR~~
25 ~~RECEIVED ON AN INTERACTIVE WIRELESS COMMUNICATIONS DEVICE.~~

26 ~~Section 4 3. Sections 3326(c), 3327(e) and 3752(a) of Title~~ ←
27 ~~75 are amended to read:~~

28 ~~§ 3326. Duty of driver in construction and maintenance areas or~~
29 ~~on highway safety corridors.~~

30 ~~* * *~~

1 ~~(c) Fines to be doubled. For any of the following~~
2 ~~violations, when committed in an active work zone manned by~~
3 ~~workers acting in their official capacity or on a highway safety~~
4 ~~corridor designated under section 6105.1 (relating to~~
5 ~~designation of highway safety corridors), the fine shall be~~
6 ~~double the usual amount:~~

7 ~~Section 3102 (relating to obedience to authorized persons~~
8 ~~directing traffic).~~

9 ~~Section 3111 (relating to obedience to traffic control~~
10 ~~devices).~~

11 ~~Section 3112 (relating to traffic control signals).~~

12 ~~Section 3114 (relating to flashing signals).~~

13 ~~Section 3302 (relating to meeting vehicle proceeding in~~
14 ~~opposite direction).~~

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

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

17 ~~Section 3305 (relating to limitations on overtaking on the~~
18 ~~left).~~

19 ~~Section 3306 (relating to limitations on driving on left side~~
20 ~~of roadway).~~

21 ~~Section 3307 (relating to no passing zones).~~

22 ~~Section 3309 (relating to driving on roadways laned for~~
23 ~~traffic).~~

24 ~~Section 3310 (relating to following too closely).~~

25 ~~Section 3316 (relating to prohibiting interactive wireless~~
26 ~~communications devices).~~

27 ~~Section 3323 (relating to stop signs and yield signs).~~

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

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

1 ~~Section 3362 (relating to maximum speed limits).~~
2 ~~Section 3702 (relating to limitations on backing).~~
3 ~~Section 3714 (relating to careless driving).~~
4 ~~Section 3736 (relating to reckless driving).~~
5 ~~Section 3802 (relating to driving under influence of alcohol~~
6 ~~or controlled substance).~~

7 ~~* * *~~

8 ~~§ 3327. Duty of driver in emergency response areas.~~

9 ~~* * *~~

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

15 ~~Section 3102 (relating to obedience to authorized persons~~
16 ~~directing traffic).~~

17 ~~Section 3111 (relating to obedience to traffic control~~
18 ~~devices).~~

19 ~~Section 3114 (relating to flashing signals).~~

20 ~~Section 3302 (relating to meeting vehicle proceeding in~~
21 ~~opposite direction).~~

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

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

24 ~~Section 3305 (relating to limitations on overtaking on the~~
25 ~~left).~~

26 ~~Section 3306 (relating to limitations on driving on left side~~
27 ~~of roadway).~~

28 ~~Section 3307 (relating to no passing zones).~~

29 ~~Section 3310 (relating to following too closely).~~

30 ~~Section 3312 (relating to limited access highway entrances~~

1 ~~and exits).~~

2 ~~Section 3316 (relating to prohibiting interactive wireless~~
3 ~~communications devices).~~

4 ~~Section 3323 (relating to stop signs and yield signs).~~

5 ~~Section 3325 (relating to duty of driver on approach of~~
6 ~~emergency vehicle).~~

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

8 ~~Section 3707 (relating to driving or stopping close to fire~~
9 ~~apparatus).~~

10 ~~Section 3710 (relating to stopping at intersection or~~
11 ~~crossing to prevent obstruction).~~

12 ~~Section 3714 (relating to careless driving).~~

13 ~~Section 3736 (relating to reckless driving).~~

14 ~~Section 3802 (relating to driving under influence of alcohol~~
15 ~~or controlled substance).~~

16 ~~* * *~~

17 ~~§ 3752. Accident report forms.~~

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

1 responsibility.

2 * * *

3 ~~Section 5 4. Section 3753 of Title 75 is amended by adding a~~ ←
4 ~~subsection to read:~~

5 ~~§ 3753. Department to compile, tabulate and analyze accident~~
6 ~~reports.~~

7 * * *

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

26 * * *

27 ~~Section 6 5. Sections 4527 and 4581(a) and (b) 6101 of Title~~ ←
28 ~~75 are amended to read:~~

29 ~~§ 4527. [Television] Video receiving equipment.~~

30 ~~(a) General rule. [No] Except as provided in subsection~~

1 ~~(b), no person shall drive a motor vehicle [operated on a~~
2 ~~highway shall be] equipped with [television type] any image~~
3 ~~display device, video receiving equipment, including a receiver,~~
4 ~~a video monitor or a television or video screen capable of~~
5 ~~displaying a television broadcast or video signal that produces~~
6 ~~entertainment or business applications or similar equipment~~
7 ~~which is located in the motor vehicle at any point forward of~~
8 ~~the back of the driver's seat [or otherwise], or which is~~
9 ~~visible, directly or indirectly, to the driver while operating~~
10 ~~the motor vehicle.~~

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

17 ~~(b) Exception. This section shall not apply to the~~
18 ~~following:~~

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

23 ~~(2) [Electronic displays] Image display devices used in~~
24 ~~conjunction with in vehicle navigation systems, related~~
25 ~~traffic, road and weather information.~~

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

1 ~~(4) Image display devices that do not display images to~~
2 ~~the driver while the vehicle is in motion.~~

3 ~~(5) Image display devices which display an image while a~~
4 ~~vehicle is parked.~~

5 ~~(c) Definitions. As used in this section, the term "image~~
6 ~~display device" means equipment capable of displaying to the~~
7 ~~driver of the motor vehicle:~~

8 ~~(1) a broadcast television image; or~~

9 ~~(2) a visual image, other than text, from a digital~~
10 ~~video disc or other storage device.~~

11 ~~§ 4581. Restraint systems.~~ ←

12 ~~(a) Occupant protection.~~

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

19 ~~This subsection shall apply to all persons while they are~~
20 ~~operators of motor vehicles where a seating position is~~
21 ~~available which is equipped with a seat safety belt or other~~
22 ~~means to secure the systems or where the seating position was~~
23 ~~originally equipped with seat safety belts.~~

24 ~~(1.1) Any person who is operating a passenger car, Class~~
25 ~~I truck, Class II truck, classic motor vehicle, antique motor~~
26 ~~vehicle or motor home and who transports a child four years~~
27 ~~of age or older but under eight years of age anywhere in the~~
28 ~~motor vehicle, including the cargo area, shall fasten such~~
29 ~~child securely in a fastened safety seat belt system and in~~
30 ~~an appropriately fitting child booster seat, as defined in~~

1 ~~subsection (d). This paragraph shall apply to all persons~~
2 ~~while they are operators of motor vehicles where a seating~~
3 ~~position is available which is equipped with a seat safety~~
4 ~~belt or other means to secure the systems or where the~~
5 ~~seating position was originally equipped with seat safety~~
6 ~~belts. [A conviction under this paragraph by State or local~~
7 ~~law enforcement agencies shall occur only as a secondary~~
8 ~~action when a driver of a motor vehicle has been convicted of~~
9 ~~violating any other provision of this title.]~~

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

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

27 ~~(ii) Except for children under 18 years of age and~~
28 ~~except as provided in paragraphs (1) and (1.1) and~~
29 ~~subparagraph (i), each driver and front seat occupant of~~
30 ~~a passenger car, Class I truck, Class II truck, classic~~

~~motor vehicle, antique motor vehicle or motor home operated in this Commonwealth shall wear a properly adjusted and fastened safety seat belt system.~~

~~(iii) This paragraph shall not apply to:~~

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

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

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

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

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

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

1 ~~(b) Offense. Anyone who fails to comply with the provisions~~
2 ~~of subsection (a) (1) or (1.1) shall be guilty of a summary~~
3 ~~offense with a maximum fine of \$100. The court imposing and~~
4 ~~collecting any such fines shall transfer the fines thus~~
5 ~~collected to the State Treasurer for deposit in the Child~~
6 ~~Passenger Restraint Fund, pursuant to section 4582 (relating to~~
7 ~~Child Passenger Restraint Fund). Anyone who violates subsection~~
8 ~~(a) (2) or (3) commits a summary offense and shall, upon~~
9 ~~conviction, be sentenced to pay a fine of \$10. No person shall~~
10 ~~be convicted of a violation of subsection (a) (2) (ii) unless the~~
11 ~~person is also convicted of another violation of this title~~
12 ~~which occurred at the same time. No costs as described in 42-~~
13 ~~Pa.C.S. § 1725.1 (relating to costs) shall be imposed for~~
14 ~~summary conviction of subsection (a) (2) or (3). Conviction under~~
15 ~~this subsection shall not constitute a moving violation.~~

16 * * *

17 ~~§ 6101. APPLICABILITY AND UNIFORMITY OF TITLE.~~ ←

18 ~~(A) REQUIREMENT. THE PROVISIONS OF THIS TITLE SHALL BE~~
19 ~~APPLICABLE AND UNIFORM THROUGHOUT THIS COMMONWEALTH AND IN ALL~~
20 ~~POLITICAL SUBDIVISIONS IN THIS COMMONWEALTH, AND NO LOCAL~~
21 ~~AUTHORITY SHALL ENACT OR ENFORCE ANY ORDINANCE ON A MATTER~~
22 ~~COVERED BY THE PROVISIONS OF THIS TITLE UNLESS EXPRESSLY~~
23 ~~AUTHORIZED.~~

24 ~~(B) SANCTIONS. WHEN A COURT OF COMPETENT JURISDICTION~~
25 ~~DETERMINES AND NOTIFIES THE DEPARTMENT THAT AN ORDINANCE ADOPTED~~
26 ~~BY A LOCAL AUTHORITY IS IN VIOLATION OF SUBSECTION (A),~~
27 ~~COMMENCING 40 DAYS FOLLOWING ENTRY OF A FINAL ORDER, UNLESS AN~~
28 ~~APPEAL HAS BEEN TIMELY FILED WITH A COURT OF RECORD, THE~~
29 ~~FOLLOWING SANCTIONS APPLY UNTIL THE LOCAL AUTHORITY REPEALS OR~~
30 ~~SUBSTANTIALLY AMENDS THE ORDINANCE TO REMOVE THE LANGUAGE THAT~~

1 ~~WAS FOUND TO BE IN VIOLATION OF SUBSECTION (A):~~

2 ~~(1) SUSPENSION OF UNOBLIGATED CAPITAL EXPENDITURES FOR~~
3 ~~BRIDGES AND HIGHWAYS.~~

4 ~~(2) SUSPENSION OF ALLOCATION UNDER THE ACT OF JUNE 1,~~
5 ~~1956 (1955 P.L.1944, NO.655), REFERRED TO AS THE LIQUID FUELS~~
6 ~~TAX MUNICIPAL ALLOCATION LAW.~~

7 ~~(3) SUSPENSION OF ALLOCATION AND APPORTIONMENT UNDER~~
8 ~~SECTION 9010(C.1) (RELATING TO DISPOSITION AND USE OF TAX).~~

9 ~~(4) SUSPENSION OF EXPENDITURES FROM THE SPECIAL FUND~~
10 ~~INTO WHICH ALLOCATIONS UNDER THE ACT OF JUNE 1, 1956 (1955~~
11 ~~P.L.1944, NO.655), REFERRED TO AS THE LIQUID FUELS TAX~~
12 ~~MUNICIPAL ALLOCATION LAW, ARE DEPOSITED, UNLESS A CONTRACT~~
13 ~~FOR THE WORK THAT IS THE SUBJECT OF THE EXPENDITURE HAS BEEN~~
14 ~~FULLY EXECUTED OR THE MONEYS HAVE BEEN OTHERWISE OBLIGATED.~~

15 ~~(C) SUSPENDED FUNDS. UPON NOTIFICATION THAT THE LOCAL~~
16 ~~AUTHORITY HAS REPEALED OR SUBSTANTIALLY AMENDED THE ORDINANCE TO~~
17 ~~REMOVE THE LANGUAGE THAT WAS FOUND TO BE IN VIOLATION OF~~
18 ~~SUBSECTION (A), THE DEPARTMENT SHALL IMMEDIATELY END ALL~~
19 ~~SANCTIONS AGAINST THE LOCAL AUTHORITY AND RETURN ALL SUSPENDED~~
20 ~~FUNDS TO THE LOCAL AUTHORITY.~~

21 ~~SECTION 6. SECTION 9010(C) INTRODUCTORY PARAGRAPH OF TITLE~~
22 ~~75 IS AMENDED AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS~~
23 ~~TO READ:~~

24 ~~§ 9010. DISPOSITION AND USE OF TAX.~~

25 ~~* * *~~

26 ~~(C) ALLOCATION OF MONEY. [THE] EXCEPT AS SET FORTH IN~~
27 ~~SUBSECTION (C.1), THE COUNTY COMMISSIONERS MAY ALLOCATE AND~~
28 ~~APPORTION MONEY FROM THE COUNTY LIQUID FUELS TAX FUND TO THE~~
29 ~~POLITICAL SUBDIVISIONS WITHIN THE COUNTY IN THE RATIO AS~~
30 ~~PROVIDED IN THIS SUBSECTION. WHEN THE UNENCUMBERED BALANCE IN~~

1 ~~THE COUNTY LIQUID FUELS TAX FUND IS GREATER THAN THE RECEIPTS~~
2 ~~FOR THE 12 MONTHS IMMEDIATELY PRECEDING THE DATE OF EITHER OF~~
3 ~~THE REPORTS, THE COUNTY COMMISSIONERS SHALL NOTIFY THE POLITICAL~~
4 ~~SUBDIVISIONS TO MAKE APPLICATION WITHIN 90 DAYS FOR~~
5 ~~PARTICIPATION IN THE REDISTRIBUTION OF THE UNENCUMBERED BALANCE.~~
6 ~~REDISTRIBUTION SHALL BE EFFECTED WITHIN 120 DAYS OF THE DATE OF~~
7 ~~EITHER OF THE REPORTS. THE COUNTY COMMISSIONERS MAY DISTRIBUTE~~
8 ~~THE UNENCUMBERED BALANCE IN EXCESS OF 50% OF THE RECEIPTS FOR~~
9 ~~THE PREVIOUS 12 MONTHS TO THE POLITICAL SUBDIVISIONS MAKING~~
10 ~~APPLICATION IN THE FOLLOWING MANNER:~~

11 * * *

12 ~~(C.1) FORFEITURE. ALL MONEY ALLOCATED UNDER SUBSECTION (C)~~
13 ~~TO A POLITICAL SUBDIVISION WHICH, UNDER SECTION 6109(A)~~
14 ~~(RELATING TO SPECIFIC POWERS OF DEPARTMENT AND LOCAL~~
15 ~~AUTHORITIES), VIOLATES SECTION 6101(A) (RELATING TO~~
16 ~~APPLICABILITY AND UNIFORMITY OF TITLE) SHALL BE WITHHELD BY THE~~
17 ~~COUNTY DURING THE PERIOD OF TIME IN WHICH THE MUNICIPALITY IS IN~~
18 ~~VIOLATION OF SECTION 6101(A).~~

19 ~~(C.2) RELEASE FUNDS. UPON NOTIFICATION THAT THE LOCAL~~
20 ~~AUTHORITY HAS REPEALED OR SUBSTANTIALLY AMENDED THE ORDINANCE TO~~
21 ~~REMOVE THE LANGUAGE THAT WAS FOUND TO BE IN VIOLATION OF SECTION~~
22 ~~6101(A), THE COUNTY SHALL RELEASE THOSE FUNDS WITHHELD BY THE~~
23 ~~COUNTY AND DUE THE LOCAL AGENCY.~~

24 * * *

25 ~~Section 7. This act shall take effect in 60 days AS FOLLOWS:~~ ←

26 ~~(1) THE AMENDMENT OR ADDITION OF 75 PA.C.S. §§ 6101 AND~~
27 ~~9101(C) INTRODUCTORY PARAGRAPH AND (C.1) SHALL TAKE EFFECT IN~~
28 ~~60 DAYS.~~

29 ~~(2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.~~

30 ~~(3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 120~~

1 ~~DAYS.~~

2 SECTION 1. SECTION 102 OF TITLE 75 OF THE PENNSYLVANIA
3 CONSOLIDATED STATUTES IS AMENDED BY ADDING A DEFINITION TO READ:
4 § 102. DEFINITIONS.

5 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT
6 PROVISIONS OF THIS TITLE WHICH ARE APPLICABLE TO SPECIFIC
7 PROVISIONS OF THIS TITLE, THE FOLLOWING WORDS AND PHRASES WHEN
8 USED IN THIS TITLE SHALL HAVE, UNLESS THE CONTEXT CLEARLY
9 INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

10 * * *

11 "INTERACTIVE WIRELESS COMMUNICATIONS DEVICE." A WIRELESS
12 TELEPHONE, PERSONAL DIGITAL ASSISTANT, SMART PHONE, PORTABLE OR
13 MOBILE COMPUTER OR SIMILAR DEVICE WHICH CAN BE USED FOR VOICE
14 COMMUNICATION, TEXTING, E-MAILING, BROWSING THE INTERNET OR
15 INSTANT MESSAGING. THE TERM DOES NOT INCLUDE ANY OF THE
16 FOLLOWING:

17 (1) A DEVICE BEING USED EXCLUSIVELY AS A GLOBAL
18 POSITIONING OR NAVIGATION SYSTEM;

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

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

23 * * *

24 SECTION 2. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:
25 § 3316. PROHIBITING TEXT-BASED COMMUNICATIONS.

26 (A) PROHIBITION.--NO DRIVER SHALL OPERATE A MOTOR VEHICLE ON
27 A HIGHWAY OR TRAFFICWAY IN THIS COMMONWEALTH WHILE USING AN
28 INTERACTIVE WIRELESS COMMUNICATIONS DEVICE TO SEND, READ OR
29 WRITE A TEXT-BASED COMMUNICATION WHILE THE VEHICLE IS IN MOTION.
30 A PERSON DOES NOT SEND, READ OR WRITE A TEXT-BASED COMMUNICATION

1 WHEN THE PERSON READS, SELECTS OR ENTERS A TELEPHONE NUMBER OR
2 NAME IN AN INTERACTIVE WIRELESS COMMUNICATIONS DEVICE FOR THE
3 PURPOSE OF ACTIVATING OR DEACTIVATING A VOICE COMMUNICATION OR A
4 TELEPHONE CALL.

5 (B) SECONDARY ACTION.--A CONVICTION UNDER THIS SUBSECTION BY
6 STATE OR LOCAL LAW ENFORCEMENT AGENCIES SHALL OCCUR ONLY AS A
7 SECONDARY ACTION WHEN A DRIVER OF A MOTOR VEHICLE HAS BEEN
8 CONVICTED OF ANY OTHER PROVISION OF THIS TITLE.

9 (C) SEIZURE.--THE PROVISIONS OF THIS SECTION SHALL NOT BE
10 CONSTRUED AS AUTHORIZING THE SEIZURE OR FORFEITURE OF AN
11 INTERACTIVE WIRELESS COMMUNICATIONS DEVICE, UNLESS OTHERWISE
12 PROVIDED BY LAW.

13 (D) PENALTY.--A PERSON WHO VIOLATES SUBSECTION (A) COMMITS A
14 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY
15 A FINE OF \$50.

16 (E) PREEMPTION OF LOCAL ORDINANCES.--IN ACCORDANCE WITH
17 SECTION 6101 (RELATING TO APPLICABILITY AND UNIFORMITY OF
18 TITLE), THIS SECTION SUPERSEDES AND PREEMPTS ALL ORDINANCES OF
19 ANY MUNICIPALITY WITH REGARD TO THE USE OF AN INTERACTIVE
20 WIRELESS COMMUNICATIONS DEVICE BY THE DRIVER OF A MOTOR VEHICLE.

21 (F) DEFINITION.--AS USED IN THIS SECTION, THE TERM "TEXT-
22 BASED COMMUNICATION" MEANS A TEXT MESSAGE, INSTANT MESSAGE,
23 ELECTRONIC MAIL OR OTHER WRITTEN COMMUNICATION COMPOSED OR
24 RECEIVED ON AN INTERACTIVE WIRELESS COMMUNICATIONS DEVICE.

25 SECTION 3. THIS ACT SHALL TAKE EFFECT IN 120 DAYS.