

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 415 Session of 2013

INTRODUCED BY FERLO, ERICKSON, VULAKOVICH, COSTA AND BREWSTER,
FEBRUARY 5, 2013

REFERRED TO TRANSPORTATION, FEBRUARY 5, 2013

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in rules of the road in general, further
3 prohibiting text-based communications.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 3316 of Title 75 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 3316. Prohibiting [text-based communications] the use of
9 interactive wireless communications devices.

10 (a) Prohibition.--No driver shall operate a motor vehicle on
11 a highway or trafficway in this Commonwealth while using an
12 interactive wireless communications device to make voice
13 communications or send, read or write a text-based communication
14 while the vehicle is in motion. [A person does not send, read or
15 write a text-based communication when the person reads, selects
16 or enters a telephone number or name in an interactive wireless
17 communications device for the purpose of activating or
18 deactivating a voice communication or a telephone call.]

1 (b) (Reserved).

2 (b.1) Presumption.--An operator of a motor vehicle who uses
3 an interactive wireless communications device while the vehicle
4 is in motion is presumed to be engaging in an interactive
5 wireless communication within the meaning of this section. The
6 presumption established by this subsection is rebuttable by
7 evidence that shows that the operator was not engaged in a call
8 or wireless communication.

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 (c.1) Applicability.--This section does not apply to:

14 (1) the use of an interactive wireless communications
15 device for the sole purpose of communicating with any of the
16 following regarding an emergency situation:

17 (i) an emergency response operator;

18 (ii) a hospital, physician's office or health
19 clinic;

20 (iii) an ambulance company or corps;

21 (iv) a fire department, district or company; or

22 (v) a police department;

23 (2) any of the following persons while in the
24 performance of official duties:

25 (i) a police officer or peace officer; or

26 (ii) a member of a fire department, district or
27 company; or

28 (3) the use of a hands-free mobile telephone.

29 (d) Penalty.--A person who violates subsection (a) commits a
30 summary offense and shall, upon conviction, be sentenced to pay

1 a fine of \$50.

2 (e) Preemption of local ordinances.--In accordance with
3 section 6101 (relating to applicability and uniformity of
4 title), this section supersedes and preempts all ordinances of
5 any municipality with regard to the use of an interactive
6 wireless communications device by the driver of a motor vehicle.

7 (f) [Definition.--As used in this section, the term "text-
8 based communication" means a text message, instant message,
9 electronic mail or other written communication composed or
10 received on an interactive wireless communications device.]

11 Definitions.--As used in this section, the following words and
12 phrases shall have the meanings given to them in this subsection
13 unless the context clearly indicates otherwise:

14 "Hands-free mobile telephone." A mobile telephone that has
15 an internal feature or function or that is equipped with an
16 attachment or addition, regardless of whether it is permanently
17 part of the mobile telephone, by which a user engages in a call
18 without the use of either hand, regardless of whether the use of
19 either hand is necessary to activate, deactivate or initiate a
20 function of the telephone.

21 "Interactive wireless communication." The use of a mobile
22 telephone or similar device to:

23 (1) make a voice communication with another;

24 (2) use a voicemail function; or

25 (3) engage in a text-based communication.

26 "Text-based communication." A text message, instant message,
27 electronic mail or other written communication composed or
28 received on an interactive wireless communications device.

29 Section 2. This act shall take effect in 60 days.