

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1684 Session of 2017

INTRODUCED BY R. BROWN, BOBACK, D. COSTA, SCHLEGEL CULVER, DeLUCA, EMRICK, W. KELLER, MARSHALL, MENTZER, MILLARD, O'NEILL, SCHLOSSBERG, SOLOMON, STAATS, STURLA, TOOHL, WATSON, COMMITTA, HICKERNELL, McCLINTON, HARPER, DEAN, BRADFORD, BARBIN AND DONATUCCI, JULY 27, 2017

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 30, 2018

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, IN GENERAL PROVISIONS, FURTHER PROVIDING FOR <--
3 DEFINITIONS; in licensing of drivers, further providing for <--
4 LEARNERS' PERMITS AND FOR schedule of convictions and points; <--
5 in rules of the road in general, prohibiting calls on hand <--
6 held mobile telephones; and imposing a penalty. USE OF <--
7 INTERACTIVE WIRELESS COMMUNICATIONS DEVICES, IMPOSING
8 PENALTIES AND ESTABLISHING THE DRIVER DISTRACTION AWARENESS
9 FUND; AND, IN OPERATION OF VEHICLES MISCELLANEOUS PROVISIONS,
10 FURTHER PROVIDING FOR THE OFFENSE OF CARELESS DRIVING.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 ~~Section 1. Section 1535(a) of Title 75 of the Pennsylvania <--
14 Consolidated Statutes is amended to read:~~

15 SECTION 1. THE DEFINITION OF "INTERACTIVE WIRELESS <--
16 COMMUNICATIONS DEVICE" IN SECTION 102 OF TITLE 75 OF THE
17 PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED TO READ:

18 § 102. DEFINITIONS.

19 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT
20 PROVISIONS OF THIS TITLE WHICH ARE APPLICABLE TO SPECIFIC

1 PROVISIONS OF THIS TITLE, THE FOLLOWING WORDS AND PHRASES WHEN
2 USED IN THIS TITLE SHALL HAVE, UNLESS THE CONTEXT CLEARLY
3 INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

4 * * *

5 "INTERACTIVE WIRELESS COMMUNICATIONS DEVICE." A WIRELESS
6 TELEPHONE, PERSONAL DIGITAL ASSISTANT, SMART PHONE, PORTABLE OR
7 MOBILE COMPUTER OR SIMILAR DEVICE WHICH CAN BE USED FOR VOICE
8 COMMUNICATION, TEXTING, E-MAILING, BROWSING THE INTERNET OR
9 INSTANT MESSAGING. THE TERM DOES NOT INCLUDE ANY OF THE
10 FOLLOWING:

11 (1) A DEVICE BEING USED EXCLUSIVELY AS A GLOBAL
12 POSITIONING OR NAVIGATION SYSTEM;

13 (2) A SYSTEM OR DEVICE THAT IS PHYSICALLY OR
14 ELECTRONICALLY INTEGRATED INTO THE VEHICLE; [OR]

15 (3) A COMMUNICATIONS DEVICE THAT IS AFFIXED TO A MASS
16 TRANSIT VEHICLE, BUS OR SCHOOL BUS[.]; OR

17 (4) A HAND-HELD RADIO BEING USED BY A PERSON WITH AN
18 AMATEUR RADIO STATION LICENSE ISSUED BY THE FEDERAL
19 COMMUNICATIONS COMMISSION.

20 * * *

21 SECTION 2. SECTIONS 1505(E) (2) AND 1535(A) OF TITLE 75 OF
22 THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

23 § 1505. LEARNERS' PERMITS.

24 * * *

25 (E) AUTHORIZATION TO TEST FOR DRIVER'S LICENSE AND JUNIOR
26 DRIVER'S LICENSE.--A PERSON WITH A LEARNER'S PERMIT IS
27 AUTHORIZED TO TAKE THE EXAMINATION FOR A REGULAR OR JUNIOR
28 DRIVER'S LICENSE FOR THE CLASS OF VEHICLE FOR WHICH A PERMIT IS
29 HELD. BEFORE A PERSON UNDER THE AGE OF 18 YEARS MAY TAKE THE
30 EXAMINATION FOR A JUNIOR DRIVER'S LICENSE, INCLUDING A CLASS M

1 LICENSE TO OPERATE A MOTORCYCLE, THE MINOR MUST:

2 * * *

3 (2) PRESENT TO THE DEPARTMENT A CERTIFICATION FORM
4 SIGNED BY THE FATHER, MOTHER, GUARDIAN, PERSON IN LOCO
5 PARENTIS OR SPOUSE OF A MARRIED MINOR STATING THAT THE MINOR
6 APPLICANT HAS:

7 (I) COMPLETED 65 HOURS OF PRACTICAL DRIVING
8 EXPERIENCE ACCOMPANIED AS REQUIRED UNDER SUBSECTION (B);
9 [AND]

10 (II) EXCEPT FOR A CLASS M LICENSE TO OPERATE A
11 MOTORCYCLE, THE 65 HOURS INCLUDED NO LESS THAN TEN HOURS
12 OF NIGHTTIME DRIVING AND FIVE HOURS OF INCLEMENT WEATHER
13 DRIVING[.]; AND

14 (III) VIEWED EDUCATIONAL MATERIALS ON THE DANGERS OF
15 DISTRACTED DRIVING, WHICH MAY INCLUDE, BUT ARE NOT
16 LIMITED TO, WRITTEN, ELECTRONIC OR VIDEO MATERIALS.

17 * * *

18 § 1535. Schedule of convictions and points.

19 (a) General rule.--A point system for driver education and
20 control is hereby established which is related to other
21 provisions for use, suspension and revocation of the operating
22 privilege as specified under this title. Every driver licensed
23 in this Commonwealth who is convicted of any of the following
24 offenses shall be assessed points as of the date of violation in
25 accordance with the following schedule:

26	Section Number	Offense	Points
27	1512	Violation of restriction on	
28		driver's license.	2
29	1571	Violation concerning license.	3
30	<u>1622</u>	<u>VIOLATION OF HAND-HELD MOBILE</u>	

<--

1		<u>TELEPHONE.</u>	<u>2</u>	
2	3102	Failure to obey policeman or		
3		authorized person.	2	
4	3111.1	Obedience to traffic-control		
5		devices warning of hazardous		
6		conditions.	2	
7	3112(a)(3)(i)	Failure to stop for a red		
8	or (ii)	light.	3	
9	3114(a)(1)	Failure to stop for a flashing		
10		red light.	3	
11	3302	Failure to yield half of		
12		roadway to oncoming vehicle.	3	
13	3303	Improper passing.	3	
14	3304	Other improper passing.	3	
15	3305	Other improper passing.	3	
16	3306(a)(1)	Other improper passing.	4	
17	3306(a)(2)	Other improper passing.	3	
18	3306(a)(3)	Other improper passing.	3	
19	3307	Other improper passing.	3	
20	3310	Following too closely.	3	<--
21	3317	Prohibiting calls on hand held		
22	-	mobile telephones.	3	
23	3310	FOLLOWING TOO CLOSELY.	3	<--
24	<u>3317</u>	<u>PROHIBITING USE OF INTERACTIVE</u>		
25		<u>WIRELESS COMMUNICATIONS</u>		
26		<u>DEVICES.</u>	<u>2</u>	
27	3321	Failure to yield to driver on		
28		the right at intersection.	3	
29	3322	Failure to yield to oncoming		
30		driver when making left turn.	3	

1	3323 (b)	Failure to stop for stop sign.	3
2	3323 (c)	Failure to yield at yield	
3		sign.	3
4	3324	Failure to yield when entering	
5		or crossing roadway between	
6		intersections.	3
7	3332	Improper turning around.	3
8	3341 (a)	Failure to obey signal	
9		indicating approach of train.	2
10	3341 (b)	Failure to comply with	
11		crossing gate or barrier.	4
12		(and 30 days' suspension)	
13	3342 (b) or (e)	Failure to stop at railroad	
14		crossings.	4
15	3344	Failure to stop when entering	
16		from alley, driveway or	
17		building.	3
18	3345 (a)	Failure to stop for school bus	
19		with flashing red lights.	5
20		(and 60 days' suspension)	
21	3361	Driving too fast for	
22		conditions.	2
23	3362	Exceeding maximum speed.--Over	
24		Limit:	
25		6-10	2
26		11-15	3
27		16-25	4
28		26-30	5
29		31-over	5
30		(and departmental hearing	

1 COMMUNICATIONS DEVICE while the vehicle is in motion.

2 (2) No person under 18 years of age shall use any hand- <--
3 held mobile telephone INTERACTIVE WIRELESS COMMUNICATIONS <--
4 DEVICE, including one with a hands-free accessory, while
5 operating a moving motor vehicle on a highway or trafficway
6 in this Commonwealth.

7 (b) Presumption. <--

8 (1) An operator of a motor vehicle who holds a hand held- <--
9 mobile telephone to or in the immediate proximity of the
10 operator's car while the motor vehicle is in motion is
11 presumed to be engaging in a call within the meaning of this
12 section.

13 (2) The presumption established by this subsection is <--
14 rebuttable by evidence which shows that the operator was not
15 engaged in a call.

16 (3) The provisions of this subsection shall not be <--
17 construed as authorizing the seizure or forfeiture of a hand
18 held mobile telephone or a mobile electronic device, unless
19 otherwise provided by law.

20 (B) PRESUMPTION.--AN OPERATOR OF A MOTOR VEHICLE WHO HOLDS <--
21 AN INTERACTIVE WIRELESS COMMUNICATIONS DEVICE WHILE THE MOTOR
22 VEHICLE IS IN MOTION IS PRESUMED TO BE USING AN INTERACTIVE
23 WIRELESS COMMUNICATIONS DEVICE WITHIN THE MEANING OF THIS
24 SECTION.

25 (c) Nonapplicability.--Subsection (a) shall not apply to:

26 (1) The use of a hand held mobile telephone AN <--
27 INTERACTIVE WIRELESS COMMUNICATIONS DEVICE for the sole
28 purpose of communicating with any of the following regarding
29 an emergency situation if the vehicle is not equipped with
30 hands-free technology:

1 (i) a fire department; or <--
2 (ii) a police department; OR <--
3 (III) A PUBLIC SAFETY ANSWERING POINT, AS DEFINED IN
4 35 PA.C.S. § 5302 (RELATING TO DEFINITIONS).

5 ~~(2) Any of the following persons while in the~~ <--
6 ~~performance of their official duties and within the scope of~~
7 ~~their employment if the vehicle is not equipped with hands-~~
8 ~~free technology:~~

9 ~~(i) a law enforcement officer;~~
10 ~~(ii) a first responder; or~~
11 ~~(iii) a member of the armed forces of the United~~
12 ~~States while operating a military vehicle.~~

13 ~~(3) The use of a hand held radio by a person with an~~
14 ~~amateur radio station license issued by the Federal~~
15 ~~Communications Commission.~~

16 ~~(4) (2) The use of a hands-free mobile telephone.~~ <--
17 INTERACTIVE WIRELESS COMMUNICATIONS DEVICE, EXCEPT AS <--
18 PROHIBITED UNDER SUBSECTION (A) (2).

19 (d) Penalty.--A person who violates subsection (a) commits a
20 summary offense and shall, upon conviction, be sentenced to pay
21 a fine of \$50. A person who commits a second or subsequent
22 offense shall, upon conviction, be sentenced to pay a fine of
23 \$100.

24 (e) Definitions.--As used in this section, the following
25 words and phrases shall have the meanings given to them in this
26 subsection unless the context clearly indicates otherwise:

27 ~~"Engage in a call." Talking into or listening on a hand held~~ <--
28 ~~mobile telephone. The term does not include holding a hand held~~
29 ~~mobile telephone to activate, deactivate or initiate a function~~
30 ~~of the telephone.~~

1 ~~"Hand held mobile telephone." A mobile telephone with which~~
2 ~~a user engages in a call using at least one hand.~~

3 ~~"Hands-free accessory." An attachment, add-on, built-in~~
4 ~~feature or addition to a mobile telephone AN INTERACTIVE <--~~
5 ~~WIRELESS COMMUNICATIONS DEVICE, whether or not permanently~~
6 ~~installed in a motor vehicle, that when used allows the vehicle~~
7 ~~operator to maintain both hands on the steering wheel.~~

8 ~~"Hands-free mobile telephone." A hand held mobile telephone <--~~
9 ~~INTERACTIVE WIRELESS COMMUNICATIONS DEVICE." A HAND-HELD <--~~
10 ~~INTERACTIVE WIRELESS COMMUNICATIONS DEVICE that has an internal~~
11 ~~feature or function or that is equipped with an attachment or~~
12 ~~addition, whether or not permanently part of the hand-held~~
13 ~~mobile telephone INTERACTIVE WIRELESS COMMUNICATIONS DEVICE, by <--~~
14 ~~which a user engages in a call without the use of either hand,~~
15 ~~whether or not the use of either hand is necessary to activate,~~
16 ~~deactivate or initiate a function of the telephone.~~

17 ~~"Immediate proximity." The distance that permits an operator <--~~
18 ~~of a hand held mobile telephone to hear telecommunications~~
19 ~~transmitted over the hand held mobile telephone, but does not~~
20 ~~require physical contact with the operator's ear.~~

21 ~~"Mobile telephone." A cellular, analog, wireless or digital~~
22 ~~telephone capable of sending or receiving telephone~~
23 ~~communications without an access line for service.~~

24 ~~"Using" or "use." Holding a hand held mobile telephone to or~~
25 ~~in the immediate proximity of the user's ear.~~

26 § 3318. DRIVER DISTRACTION AWARENESS FUND. <--

27 (A) FUND ESTABLISHED.--THE DRIVER DISTRACTION AWARENESS FUND
28 IS ESTABLISHED IN THE MOTOR LICENSE FUND AS A SPECIAL RESTRICTED
29 RECEIPTS ACCOUNT. THE FUND SHALL CONSIST OF DEPOSITS FROM THE
30 FOLLOWING SOURCES:

1 (1) ONE-HALF OF THE FINE ASSESSED UNDER SECTION 3317(D)
2 (RELATING TO PROHIBITING USE OF INTERACTIVE WIRELESS
3 COMMUNICATIONS DEVICES).

4 (2) ALL OF THE FINE ASSESSED UNDER SECTION 3714(E)
5 (RELATING TO CARELESS DRIVING).

6 (3) FEDERAL FUNDS GRANTED FOR CARELESS DRIVING
7 PREVENTION.

8 (4) MONEY DONATED TO THE FUND.

9 (B) USE OF FUND.--THE FUND SHALL BE USED SOLELY FOR THE
10 PURPOSE OF THE EDUCATIONAL PROGRAM ESTABLISHED IN SUBSECTION
11 (C). MONEY IN THE FUND IS APPROPRIATED TO THE DEPARTMENT FOR THE
12 PURPOSES OF THIS SECTION.

13 (C) EDUCATIONAL PROGRAM.--THE DEPARTMENT SHALL ESTABLISH AN
14 EDUCATIONAL PROGRAM TO BEGIN IMMEDIATELY TO ALERT THE PUBLIC TO
15 THE REQUIREMENTS AND PENALTIES UNDER SECTIONS 3317 AND 3714(E).
16 THE PROGRAM SHALL ALSO ENCOURAGE MOTORISTS TO ELIMINATE
17 DISTRACTIONS IN THE VEHICLE AS A MEANS OF REDUCING THE RISK OF
18 HARM TO THEMSELVES AND OTHERS.

19 (D) DEFINITION.--AS USED IN THIS SECTION, THE TERM "FUND"
20 MEANS THE DRIVER DISTRACTION AWARENESS FUND.

21 SECTION 4. SECTION 3714 OF TITLE 75 IS AMENDED BY ADDING
22 SUBSECTIONS TO READ:

23 § 3714. CARELESS DRIVING.

24 * * *

25 (E) ADDITIONAL FINE FOR DISTRACTED DRIVER.--

26 (1) A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION
27 AND AT THE TIME OF THE VIOLATION IS DISTRACTED BY ANY TASK OR
28 ITEM, INCLUDING, BUT NOT LIMITED TO, ANY OF THE FOLLOWING,
29 SHALL, IN ADDITION TO ANY OTHER PENALTY IMPOSED, BE SENTENCED
30 TO PAY A FINE OF \$25:

- 1 (I) AN INTERACTIVE WIRELESS COMMUNICATIONS DEVICE.
2 (II) AN ELECTRONIC, ELECTRICAL OR MECHANICAL DEVICE.
3 (III) A PERSONAL GROOMING DEVICE.
4 (IV) FOOD.
5 (V) DRINK.
6 (VI) PRINTED MATERIAL.

7 (2) THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO
8 ANY PERSON UNLESS THE PERSON IS CONVICTED UNDER SUBSECTION
9 (A), (B) OR (C) FOR A VIOLATION THAT OCCURRED AT THE SAME
10 TIME. NO COSTS AS DESCRIBED UNDER 42 PA.C.S. § 1725.1
11 (RELATING TO COSTS) MAY BE IMPOSED ON ACCOUNT OF AN INCREASED
12 FINE UNDER THIS SUBSECTION. APPLICATION OF THIS SUBSECTION
13 DOES NOT CONSTITUTE A MOVING VIOLATION.

14 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
15 CONTRARY, FINES COLLECTED UNDER THIS SUBSECTION SHALL BE PAID
16 TO THE COMMONWEALTH FOR DEPOSIT INTO THE DRIVER DISTRACTION
17 AWARENESS FUND.

18 (F) REPORT.--THE DEPARTMENT SHALL SUBMIT TO THE GENERAL
19 ASSEMBLY A REPORT ON THE EFFECTS OF SUBSECTION (E) NO LATER THAN
20 ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION.

21 (G) DEFINITION.--AS USED IN THIS SECTION, THE TERM
22 "DISTRACTED" MEANS HAVING A PERSON'S ATTENTION DIVERTED FROM
23 OPERATING A VEHICLE.

24 Section 3 5. This act shall take effect in 180 days.

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