
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 131 Session of
2019

INTRODUCED BY SABATINA, SCHWANK, BARTOLOTTA, K. WARD, MENSCH,
COSTA, KILLION, REGAN, DINNIMAN, YUDICHAK AND BROWNE,
JANUARY 31, 2019

REFERRED TO TRANSPORTATION, JANUARY 31, 2019

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 examination of applicant for driver's license; and, in rules
5 of the road in general, further providing for prohibiting
6 text-based communications and providing for prohibiting use
7 of interactive wireless communications device by novice
8 drivers.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. The definition of "interactive wireless
12 communications device" in section 102 of Title 75 of the
13 Pennsylvania Consolidated Statutes is amended and the section is
14 amended by adding a definition to read:

15 § 102. Definitions.

16 Subject to additional definitions contained in subsequent
17 provisions of this title which are applicable to specific
18 provisions of this title, the following words and phrases when
19 used in this title shall have, unless the context clearly
20 indicates otherwise, the meanings given to them in this section:

1 * * *

2 "Interactive wireless communications device." A wireless
3 telephone, personal digital assistant, smart phone, portable or
4 mobile computer or similar device which can be used for voice
5 communication, texting, e-mailing, browsing the Internet or
6 instant messaging or means through which personal wireless
7 services are transmitted. The term does not include any of the
8 following:

9 (1) a device being used exclusively as a global
10 positioning or navigation system;

11 (2) a system or device that is physically or
12 electronically integrated into the vehicle; [or]

13 (3) a communications device that is affixed to a mass
14 transit vehicle, bus or school bus[.]; or

15 (4) a device being used exclusively for emergency
16 notification purposes.

17 * * *

18 "Novice driver." A driver under 18 years of age or a person
19 with a learner's permit.

20 * * *

21 Section 2. Section 1508 of Title 75 is amended by adding a
22 subsection to read:

23 § 1508. Examination of applicant for driver's license.

24 * * *

25 (c.1) Distracted driving awareness.--The portion of the
26 examination on traffic laws shall contain at least one question
27 on distracted driving relating to the driver's ability to
28 understand the effects of distracted driving. The driver's
29 manual shall include a section relating to distracted driving,
30 the effects of distracted driving, the laws on distracted

1 driving and related penalties.

2 * * *

3 Section 3. Section 3316(a), (b) and (d) of Title 75 are
4 amended to read:

5 § 3316. Prohibiting text-based communications.

6 (a) Prohibition.--No driver shall operate a motor vehicle on
7 a highway or trafficway in this Commonwealth while using an
8 interactive wireless communications device to send, read or
9 write a text-based communication [while the vehicle is in
10 motion. A], unless the motor vehicle is parked on the side or
11 shoulder of a highway or trafficway in this Commonwealth where
12 the motor vehicle is safely able to remain stationary. Except
13 for a novice driver, a person does not send, read or write a
14 text-based communication when the person reads, selects or
15 enters a telephone number or name in an interactive wireless
16 communications device for the purpose of activating or
17 deactivating a voice communication or a telephone call.

18 (b) [(Reserved).] Nonapplicability.--Subsection (a) shall
19 not apply to a driver who:

20 (1) uses an interactive wireless communications device
21 to contact emergency services;

22 (2) is emergency services personnel and uses an
23 interactive wireless communications device while:

24 (i) operating an emergency services vehicle; and

25 (ii) engaged in the performance of the duties as an
26 emergency service personnel; or

27 (3) is employed as a commercial motor vehicle driver or
28 a school bus driver who within the scope of the individual's
29 employment uses an interactive wireless communications device
30 if the use is permitted under regulations promulgated under

1 49 U.S.C. § 31136 (relating to United States Government
2 regulations).

3 * * *

4 (d) Penalty.--A person who violates subsection (a) commits a
5 summary offense and shall, upon conviction, be sentenced to pay
6 a fine of [~~\$50.~~] \$100 for the first offense and \$200 for a
7 second or subsequent offense.

8 * * *

9 Section 4. Title 75 is amended by adding a section to read:
10 § 3318. Prohibiting use of interactive wireless communications
11 device by novice drivers.

12 (a) Prohibition.--A novice driver may not operate a motor
13 vehicle on a highway or trafficway in this Commonwealth while
14 using an interactive wireless communications device, unless the
15 motor vehicle is parked on the side or shoulder of a highway or
16 trafficway in this Commonwealth where the motor vehicle is
17 safely able to remain stationary.

18 (b) Seizure.--The provisions of this section shall not be
19 construed as authorizing the seizure or forfeiture of an
20 interactive wireless communications device, unless otherwise
21 provided by law.

22 (c) Nonapplicability.--Subsection (a) shall not apply to a
23 novice driver who:

24 (1) uses an interactive wireless communications device
25 to contact emergency services;

26 (2) is emergency services personnel and uses an
27 interactive wireless communications device while:

28 (i) operating an emergency services vehicle; and

29 (ii) engaged in the performance of the duties as an
30 emergency service personnel; or

1 (3) is employed as a commercial motor vehicle driver or
2 a school bus driver who within the scope of the individual's
3 employment uses an interactive wireless communications device
4 if the use is permitted under regulations promulgated under
5 49 U.S.C. § 31136 (relating to United States government
6 regulations).

7 (d) Penalty.--A novice driver who violates subsection (a)
8 commits a summary offense and shall, upon conviction, be
9 sentenced to pay a fine of \$100 for the first offense and \$200
10 for a second or subsequent offense.

11 Section 5. This act shall take effect in 60 days.