
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 652 Session of
2015

INTRODUCED BY MARKOSEK, SAMUELSON, KINSEY, MULLERY, MILLARD,
BARBIN, HARKINS, BISHOP, SCHLOSSBERG, SCHWEYER, CARROLL,
KORTZ, COHEN, TRUITT, READSHAW, D. COSTA, DeLUCA, BOBACK,
BROWNLEE, KAVULICH, GIBBONS, THOMAS, MURT, FRANKEL AND MOUL,
FEBRUARY 26, 2015

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 26, 2015

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in general provisions, further defining
3 "interactive wireless communications device"; and in rules of
4 the road in general, prohibiting use of interactive wireless
5 communications device, and further providing for duty of
6 driver in construction and maintenance areas or on highway
7 safety corridors and for duty of driver in emergency response
8 areas.

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 to read:

14 § 102. Definitions.

15 Subject to additional definitions contained in subsequent
16 provisions of this title which are applicable to specific
17 provisions of this title, the following words and phrases when
18 used in this title shall have, unless the context clearly
19 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. The term does not include any of the
7 following:

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

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

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

14 (4) an amateur radio or a citizens band radio.

15 * * *

16 Section 2. Sections 3316, 3326(c) and 3327(e) of Title 75
17 are amended to read:

18 § 3316. Prohibiting [text-based communications] use of
19 interactive wireless communications device.

20 (a) Prohibition.--[No driver]

21 (1) Except as provided in subsection (b), no person
22 shall [operate] drive a motor vehicle on a [highway] roadway
23 or trafficway in this Commonwealth while using an interactive
24 wireless communications device [to send, read or write a
25 text-based communication while the vehicle is in motion. A
26 person does not send, read or write a text-based
27 communication when the person reads, selects or enters a
28 telephone number or name in an interactive wireless
29 communications device for the purpose of activating or
30 deactivating a voice communication or a telephone call.] for

1 a purpose other than:

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

5 (ii) reading, selecting or entering a telephone
6 number or name into an interactive wireless
7 communications device for the purpose of voice
8 communication; or

9 (iii) utilizing a global positioning or navigation
10 system.

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

15 (b) [(Reserved).] Exceptions.--This section shall not apply
16 to:

17 (1) A person using an interactive wireless
18 communications device to contact a 911 system or wireless E-
19 911 service, as defined in 35 Pa.C.S. § 5302 (relating to
20 definitions).

21 (2) A person using an interactive wireless
22 communications device when the vehicle is stopped due to a
23 traffic obstruction and the motor vehicle transmission is in
24 neutral or park.

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

29 (4) Volunteer emergency responders who use an
30 interactive wireless communications device for voice

1 communication for the purpose of responding to an emergency
2 while engaged in the performance of their official duties.

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

7 (d) Penalty.--

8 (1) A person who violates subsection (a) commits a
9 summary offense and shall, upon conviction, be sentenced to
10 pay a fine of \$50.

11 (2) A person who violates subsection (a) while passing
12 through a school zone, as defined and provided under the
13 regulations of the department, commits a summary offense and
14 shall, upon conviction, be sentenced to pay a fine of \$100.
15 An official traffic-control device shall indicate the
16 beginning and end of each school zone to traffic approaching
17 in each direction. Establishment of a school zone, including
18 its location and hours of operation, shall be approved by the
19 department.

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

25 (e.1) Public education and awareness programs.--The
26 department shall develop and maintain Statewide public education
27 and awareness programs to combat distracted driving and promote
28 awareness of the provisions of this section.

29 (f) [Definition.--As used in this section, the term "text-
30 based communication" means a text message, instant message,

1 electronic mail or other written communication composed or
2 received on an interactive wireless communications device.]

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

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

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

11 (1) A member of a volunteer ambulance service as defined
12 in 35 Pa.C.S. § 7363 (relating to definitions).

13 (2) A member of a volunteer fire company as defined in
14 35 Pa.C.S. § 7363.

15 (3) A member of a volunteer rescue service as defined in
16 35 Pa.C.S. § 7363.

17 § 3326. Duty of driver in construction and maintenance areas or
18 on highway safety corridors.

19 * * *

20 (c) Fines to be doubled.--For any of the following
21 violations, when committed in an active work zone manned by
22 workers acting in their official capacity or on a highway safety
23 corridor designated under section 6105.1 (relating to
24 designation of highway safety corridors), the fine shall be
25 double the usual amount:

26 Section 3102 (relating to obedience to authorized persons
27 directing traffic).

28 Section 3111 (relating to obedience to traffic-control
29 devices).

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

1 Section 3114 (relating to flashing signals).

2 Section 3302 (relating to meeting vehicle proceeding in
3 opposite direction).

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

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

6 Section 3305 (relating to limitations on overtaking on the
7 left).

8 Section 3306 (relating to limitations on driving on left side
9 of roadway).

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

11 Section 3309 (relating to driving on roadways laned for
12 traffic).

13 Section 3310 (relating to following too closely).

14 Section 3316 (relating to prohibiting use of interactive
15 wireless communications device).

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

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

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

20 Section 3362 (relating to maximum speed limits).

21 Section 3702 (relating to limitations on backing).

22 Section 3714 (relating to careless driving).

23 Section 3736 (relating to reckless driving).

24 Section 3802 (relating to driving under influence of alcohol
25 or controlled substance).

26 * * *

27 § 3327. Duty of driver in emergency response areas.

28 * * *

29 (e) Fines to be doubled.--In addition to any penalty as
30 provided in subsection (b), the fine for any of the following

1 violations when committed in an emergency response area manned
2 by emergency service responders shall be double the usual
3 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 3114 (relating to flashing signals).

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

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

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

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

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

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

18 Section 3310 (relating to following too closely).

19 Section 3312 (relating to limited access highway entrances
20 and exits).

21 Section 3316 (relating to prohibiting use of interactive
22 wireless communications device).

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

24 Section 3325 (relating to duty of driver on approach of
25 emergency vehicle).

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

27 Section 3707 (relating to driving or stopping close to fire
28 apparatus).

29 Section 3710 (relating to stopping at intersection or
30 crossing to prevent obstruction).

1 Section 3714 (relating to careless driving).

2 Section 3736 (relating to reckless driving).

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

5 * * *

6 Section 3. This act shall take effect in 60 days.