

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.** Senate Bill 37

**PRINTER NO.** 939

**AMOUNT**

\$176,000 One-Time Costs

**FUND**

Motor License Fund

**DATE INTRODUCED**

April 10, 2023

**PRIME SPONSOR**

Senator Brown

**DESCRIPTION**

Senate Bill 37 amends Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to increase penalties for texting while driving violations and prohibit the use of a handheld interactive mobile device while driving. This act may be referred to as Paul Miller’s Law.

**Section 102 (relating to definitions):**

This legislation amends the definition of “interactive wireless communications mobile device” to “interactive mobile device” and includes playing games, taking or transmitting images, recording or broadcasting videos, creating or sharing social media or otherwise sending or receiving electronic data. The term does not include any of the following new items:

- 1) A mobile or handheld radio being used by a person with an amateur radio station license issued by the Federal Communications Commission;
- 2) A device being used exclusively for emergency notification purposes;
- 3) A device being used exclusively by an emergency service responder while operating an emergency vehicle and engaged in the performance of duties; or
- 4) A device being used exclusively by a commercial driver who within the scope of the individual’s employment uses a device if the use is permitted under regulations promulgated under 49 U.S.C. § 31136 (relating to U.S. Government regulations).

**Section 1505 (relating to learner’s permit):**

Senate Bill 37 requires a person with a learner’s permit under the age of 18 years to view educational materials provided on the Department of Transportation’s (department) publicly accessible internet website or printed, at the department’s discretion, on the dangers of distracted driving, which may include, but is not limited to, written, electronic or video materials.

**Section 1508 (relating to examination of applicant for driver’s license):**

The portion of the examination on traffic laws shall contain at least one question on distracted driving relating to the driver’s ability to understand the effects of distracted driving, and the driver’s manual shall include a section relating to distracted driving, along with related penalties.

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### **Section 3316 (relating to prohibiting text-based communications):**

Senate Bill 37 prohibits a driver from texting while driving a motor vehicle but provides for an emergency use exception if necessary to communicate with law enforcement or other emergency services. A violation of this section is a summary offense with the following penalties:

- 1) A fine of not more than \$150 for a first conviction, with no previous conviction within the previous 60 months;
- 2) A fine of not more than \$250 for a second conviction within the previous 60 months; and
- 3) A fine of not more than \$500 for a third or subsequent conviction within the previous 60 months.

The department, in consultation with the Pennsylvania State Police, shall develop and electronically distribute educational materials for law enforcement on how to effectively detect distracted drivers, regardless of age, sex, race or ethnicity.

A violator of this section for the first 12 months after the effective date may only be issued a written warning. A person may not be charged with a violation of Section 3316.1 (relating to prohibiting use of interactive mobile device) concurrently with a violation of this section for an offense committed at the same time and place.

### **Section 3316.1 (relating to prohibiting use of interactive mobile device):**

Senate Bill 37 prohibits a driver from using an interactive mobile device while driving a motor vehicle but provides for an emergency use exception if necessary to communicate with law enforcement or other emergency services. A violation of this section is a summary offense with the following penalties:

- 1) A fine of not more than \$150 for a first conviction, with no previous conviction within the previous 60 months;
- 2) A fine of not more than \$250 for a second conviction within the previous 60 months; and
- 3) A fine of not more than \$500 for a third or subsequent conviction within the previous 60 months.

This section supersedes and preempts all ordinances of any municipality with regard to the use of an interactive mobile device.

The department, in consultation with the Pennsylvania State Police, shall develop and electronically distribute educational materials for law enforcement on how to effectively detect distracted drivers, regardless of age, sex, race or ethnicity.

A violator of this section for the first 12 months after the effective date may only be issued a written warning. A person may not be charged with a violation of Section 3316 (relating to prohibiting text-based communications) concurrently with a violation of this section for an offense committed at the same time and place.

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### **Section 3732 (relating to homicide by vehicle):**

This legislation incorporates this section's penalties for a violation of section 3316.1 (relating to prohibiting use of interactive mobile device) that causes homicide by vehicle.

### **Section 3732.1 (relating to aggravated assault by vehicle):**

This legislation also incorporates this section's penalties for a violation of section 3316.1 (relating to prohibiting use of interactive mobile device) that causes aggravated assault by vehicle.

This act shall take effect in 12 months.

### **FISCAL IMPACT:**

Updating educational materials as required under this legislation, including driver manuals in 25 languages and an audio version, is estimated to cost \$176,000 and require 12 months for completion.

Section 1508 (relating to examination of applicant for driver's license) requires the driver's examination to contain at least one question on distracted driving. Additional questions may be added to the examination at an estimated cost of \$1,000.

The Infrastructure Investment and Jobs Act, signed into law on November 15, 2021, reauthorized the federal surface transportation programs, including comprehensive distracted driving grants under 23 U.S.C. § 405 (relating to National Priority Safety Programs). The department currently does not meet the criteria to qualify for these grants. Implementation of this legislation may qualify the Commonwealth for these federal grants in the future.