
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 37 Session of
2019

INTRODUCED BY BROWN, READSHAW, STEPHENS, SCHLOSSBERG, MILLARD,
HILL-EVANS, HELM, McNEILL, MURT, STAATS, TOPPER, B. MILLER,
FLYNN, McCLINTON, DeLUCA, RYAN, ISAACSON, STRUZZI, TOOHL,
CARROLL, KORTZ, CIRESI, MULLINS, NEILSON, T. DAVIS, BIZZARRO,
MARSHALL, BOBACK, GAYDOS AND WARNER, FEBRUARY 5, 2019

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 5, 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 learners' permits; in rules of the road in general,
5 prohibiting use of interactive wireless communications
6 devices, imposing penalties and establishing the Distracted
7 Driver Awareness Fund; and, in operation of vehicles
8 miscellaneous provisions, further providing for the offense
9 of homicide by vehicle and for the offense of aggravated
10 assault by vehicle.

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

13 Section 1. The definition of "interactive wireless
14 communications device" in section 102 of Title 75 of the
15 Pennsylvania Consolidated Statutes is amended to read:

16 § 102. Definitions.

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

1 indicates otherwise, the meanings given to them in this section:

2 * * *

3 "Interactive wireless communications device." A wireless
4 telephone, personal digital assistant, smart phone, portable or
5 mobile computer or similar device which can be used for voice
6 communication, texting, e-mailing, browsing the Internet or
7 instant messaging. 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], other than
13 being connected to the vehicle solely for the purpose of
14 charging the system or device;

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. Section 1505(e) (2) of Title 75 is amended to
22 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 Section 3. Title 75 is amended by adding sections to read:

19 § 3318. Prohibiting use of interactive wireless communications
20 devices.

21 (a) Prohibitions.--

22 (1) Except as otherwise provided in this section, no
23 person shall operate a motor vehicle on a highway or
24 trafficway in this Commonwealth while using an interactive
25 wireless communications device while the vehicle is in
26 motion.

27 (2) Any adult driver of a motor vehicle who holds a
28 valid driver's license may only use the driver's hands to
29 initiate or terminate a wireless telephone call or to turn
30 the handheld interactive wireless communications device on or

1 off.

2 (3) No person under 18 years of age shall use any
3 interactive wireless communications device, including one
4 with a hands-free accessory, while operating a moving motor
5 vehicle on a highway or trafficway in this Commonwealth. A
6 person under this paragraph is permitted to use a hand-held
7 interactive wireless communications device outside of a
8 roadway, provided the motor vehicle is stopped.

9 (b) Nonapplicability.--Subsection (a) shall not apply to:

10 (1) The use of an interactive wireless communications
11 device for the sole purpose of communicating with any of the
12 following regarding an emergency situation if the vehicle is
13 not equipped with hands-free technology:

14 (i) a fire department;

15 (ii) a police department; or

16 (iii) a public safety answering point, as defined in
17 35 Pa.C.S. § 5302 (relating to definitions).

18 (2) The use of a hands-free interactive wireless
19 communications device, except as prohibited under subsection
20 (a) (2).

21 (3) The use of an interactive wireless communications
22 device while affixed to a vehicle's surface, not in violation
23 of section 4524 (relating to windshield obstructions and
24 wipers), while being exclusively used as a global positioning
25 system.

26 (c) Penalty.--

27 (1) A person who violates subsection (a) commits a
28 summary offense and shall, upon conviction, be sentenced to
29 pay a fine of \$200. No costs or surcharges imposed under
30 section 6506 (relating to surcharge) or 42 Pa.C.S. § 1725.1

1 (relating to costs) shall be assessed or imposed upon a
2 conviction under this section.

3 (2) Notwithstanding any other provision of law,
4 including 42 Pa.C.S. § 3733(a) (relating to deposits into
5 account):

6 (i) When prosecution under this section is the
7 result of Pennsylvania State Police action, \$25 of the
8 penalty assessed under paragraph (1) shall be payable to
9 the Commonwealth for credit to the Motor License Fund.

10 (ii) When prosecution under this section is the
11 result of local police action, \$12.50 of the penalty
12 assessed under paragraph (1) shall be payable to the
13 Commonwealth for credit to the Motor License Fund, and
14 \$12.50 shall be payable to the municipal corporation
15 under which the local police are organized.

16 (iii) After deposit of any amount under
17 subparagraphs (i) and (ii), the remaining portion of the
18 fine shall be deposited into the Distracted Driver
19 Awareness Fund.

20 (d) Official traffic-control devices.--The department shall
21 install official traffic-control devices to alert motorists of
22 the hand-held prohibition at entryways to this Commonwealth
23 along all Federal aid highways. The signs shall be installed and
24 maintained for a period no less than five years after the
25 effective date of this section. The department is permitted to
26 use funds from the fines collected under subsection (c) (2) (iii)
27 for costs associated with installation and maintenance of
28 official traffic-control devices under this section.

29 (e) Definitions.--As used in this section, the following
30 words and phrases shall have the meanings given to them in this

1 subsection unless the context clearly indicates otherwise:

2 "Hands-free accessory." An attachment, add-on, built-in
3 feature or addition to an interactive wireless communications
4 device, whether or not permanently installed in a motor vehicle,
5 that when used allows the vehicle operator to maintain both
6 hands on the steering wheel.

7 "Hands-free interactive wireless communications device." A
8 hand-held interactive wireless communications device that has an
9 internal feature or function or that is equipped with an
10 attachment or addition, whether or not permanently part of the
11 hand-held interactive wireless communications device, by which a
12 user engages in a call without the use of either hand, whether
13 or not the use of either hand is necessary to activate,
14 deactivate or initiate a function of the telephone.

15 "Using." Holding an interactive wireless communications
16 device for the purpose of listening or talking on the device by
17 nonvoice or voice interpersonal communication, or while viewing,
18 taking or transmitting images, playing games or composing,
19 sending, reading, viewing, accessing, browsing, transmitting,
20 saving or retrieving e-mail, text messages or other electronic
21 data.

22 § 3319. Distracted Driver Awareness Fund.

23 (a) Fund established.--The Distracted Driver Awareness Fund
24 is established in the Motor License Fund as a special restricted
25 receipts account. The fund shall consist of deposits from the
26 following sources:

27 (1) The remaining money after deposit of any amount
28 under section 3318(c)(2)(i) and (ii) (relating to prohibiting
29 use of interactive wireless communications devices) in
30 accordance with section 3318(c)(2)(iii).

1 (2) Money donated to the fund.

2 (b) Use of fund.--The fund shall be used solely for the
3 purpose of the educational program established in subsection (c)
4 and for the installation and maintenance of official traffic
5 control devices under section 3318(d). Money in the fund is
6 appropriated to the department for the purposes of this section.

7 (c) Educational program.--The department shall establish an
8 educational program to begin immediately to alert the public to
9 the requirements and penalties under section 3318. The program
10 shall also encourage motorists to eliminate distractions in the
11 vehicle as a means of reducing the risk of harm to themselves
12 and others. The program shall be administered to the extent that
13 funding is available.

14 (d) Report.--The department shall submit to the General
15 Assembly a report on the efforts of the department regarding the
16 educational program in subsection (c) no later than three years
17 after the effective date of this subsection.

18 (e) Definition.--As used in this section, the term "fund"
19 means the Distracted Driver Awareness Fund.

20 Section 4. Sections 3732(b)(1.1) and (3) and 3732.1(b)(2)
21 and (4) of Title 75, amended October 24, 2018 (P.L.925, No.153),
22 are amended to read:

23 § 3732. Homicide by vehicle.

24 * * *

25 (b) Sentencing.--

26 * * *

27 (1.1) In addition to any other penalty provided by law,
28 a person convicted of a violation of subsection (a) who is
29 also convicted of a violation of section 1501 (relating to
30 drivers required to be licensed), 1543 (relating to driving

1 while operating privilege is suspended or revoked), 3316
2 (relating to prohibiting text-based communications), 3318
3 (relating to prohibiting use of interactive wireless
4 communications devices, 3325 (relating to duty of driver on
5 approach of emergency vehicle) or 3327 (relating to duty of
6 driver in emergency response areas) may be sentenced to an
7 additional term not to exceed five years' confinement.

8 * * *

9 (3) The Pennsylvania Commission on Sentencing, pursuant
10 to 42 Pa.C.S. § 2154 (relating to adoption of guidelines for
11 sentencing), shall provide for a sentencing enhancement for
12 an offense under this section when the violation occurred in
13 an active work zone or the individual was also convicted of a
14 violation of section 1501, 1543, 3316, 3318, 3325 or 3327.

15 § 3732.1. Aggravated assault by vehicle.

16 * * *

17 (b) Sentencing.--

18 * * *

19 (2) In addition to any other penalty provided by law, a
20 person convicted of a violation of subsection (a) who is also
21 convicted of a violation of section 1501 (relating to drivers
22 required to be licensed), 1543 (relating to driving while
23 operating privilege is suspended or revoked), 3316 (relating
24 to prohibiting text-based communications), 3318 (relating to
25 prohibiting use of interactive wireless communications
26 devices, 3325 (relating to duty of driver on approach of
27 emergency vehicle) or 3327 (relating to duty of driver in
28 emergency response areas) may be sentenced to an additional
29 term not to exceed two years' confinement.

30 * * *

1 (4) The Pennsylvania Commission on Sentencing, under 42
2 Pa.C.S. § 2154 (relating to adoption of guidelines for
3 sentencing), shall provide for a sentencing enhancement for
4 an offense under this section when the violation occurred in
5 an active work zone or the individual was also convicted of a
6 violation of section 1501, 1543, 3316, 3318, 3325 or 3327.
7 Section 5. This act shall take effect in 180 days.