
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 37 Session of
2023

INTRODUCED BY BROWN, LANGERHOLC, FLYNN, STEFANO, SCHWANK,
SANTARSIERO AND CULVER, APRIL 10, 2023

AMENDMENTS TO HOUSE AMENDMENTS, MAY 6, 2024

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 examination of applicant for
5 driver's license ; in rules of the road in general, further
6 providing for prohibiting text-based communications and
7 providing for prohibiting use of interactive mobile device;
8 in miscellaneous provisions relating to serious traffic
9 offenses, further providing for the offense of homicide by
10 vehicle and for the offense of aggravated assault by vehicle;
11 in enforcement, providing for data collection and reporting
12 relating to traffic stops; and imposing penalties.

13 This act may be referred to as Paul Miller's Law.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

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

19 § 102. Definitions.

20 Subject to additional definitions contained in subsequent
21 provisions of this title which are applicable to specific
22 provisions of this title, the following words and phrases when

1 used in this title shall have, unless the context clearly
2 indicates otherwise, the meanings given to them in this section:

3 * * *

4 "Interactive [wireless communications] mobile device." A
5 handheld wireless telephone, personal digital assistant, smart
6 phone, portable or mobile computer or similar device which can
7 be used for voice communication, texting, [e-mailing] emailing,
8 browsing the Internet [or], instant messaging[.], playing games,
9 taking or transmitting images, recording or broadcasting videos,
10 creating or sharing social media or otherwise sending or
11 receiving electronic data. The term does not include any of the
12 following:

13 (1) a device being used exclusively as a global
14 positioning or navigation system;

15 (2) a [system or] device that is being used in a hands-
16 free manner or with a hands-free accessory or system,
17 including one that is physically or electronically integrated
18 into the vehicle; [or]

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

21 (4) A MOBILE OR HANDHELD RADIO BEING USED BY A PERSON <--
22 WITH AN AMATEUR RADIO STATION LICENSE ISSUED BY THE FEDERAL
23 COMMUNICATIONS COMMISSION;

24 ~~(4)~~ (5) a device being used exclusively for emergency <--
25 notification purposes;

26 ~~(5)~~ (6) a device being used exclusively by an emergency <--
27 service responder while operating an emergency vehicle and <--
28 engaged in the performance of duties; or

29 ~~(6)~~ (7) a device being used exclusively by a commercial <--
30 driver who within the scope of the individual's employment

1 uses a device if the use is permitted under regulations
2 promulgated under 49 U.S.C. § 31136 (relating to United
3 States Government regulations).

4 * * *

5 Section 2. Section 1505(e)(2) of Title 75 is amended to
6 read:

7 § 1505. Learners' permits.

8 * * *

9 (e) Authorization to test for driver's license and junior
10 driver's license.--A person with a learner's permit is
11 authorized to take the examination for a regular or junior
12 driver's license for the class of vehicle for which a permit is
13 held. Before a person under the age of 18 years may take the
14 examination for a junior driver's license, including a Class M
15 license to operate a motorcycle, the minor must:

16 * * *

17 (2) Present to the department a certification form
18 signed by the father, mother, guardian, person in loco
19 parentis or spouse of a married minor stating that the minor
20 applicant has:

21 (i) completed 65 hours of practical driving
22 experience accompanied as required under subsection (b);
23 [and]

24 (ii) except for a Class M license to operate a
25 motorcycle, the 65 hours included no less than ten hours
26 of nighttime driving and five hours of inclement weather
27 driving[.]; and

28 (iii) printed, at the department's discretion, or
29 viewed educational materials provided on the department's
30 publicly accessible Internet website on the dangers of

1 distracted driving, which may include, but are not
2 limited to, written, electronic or video materials.

3 * * *

4 Section 3. Section 1508 of Title 75 is amended by adding a
5 subsection to read:

6 § 1508. Examination of applicant for driver's license.

7 * * *

8 (c.1) Distracted driving awareness.--The portion of the
9 examination on traffic laws shall contain at least one question
10 on distracted driving relating to the driver's ability to
11 understand the effects of distracted driving. The driver's
12 manual shall include a section relating to distracted driving,
13 along with related penalties.

14 * * *

15 Section 4. Section 3316 of Title 75 is amended to read:

16 § 3316. Prohibiting text-based communications.

17 (a) Prohibition.--No driver shall operate a motor vehicle on
18 a highway or trafficway in this Commonwealth while using an
19 interactive [wireless communications] mobile device to send,
20 read or write a text-based communication while the vehicle is in
21 motion. A person does not send, read or write a text-based
22 communication when the person reads, selects or enters a
23 telephone number or name in an interactive [wireless
24 communications] mobile device for the purpose of activating or
25 deactivating a voice communication or a telephone call.

26 (b) [(Reserved).] Emergency use exception.--Texting while
27 driving shall be permissible by a driver of a motor vehicle if
28 necessary to communicate with a law enforcement official or
29 other emergency services to prevent injury to persons or
30 property.

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

5 (d) Penalty.--A person who violates subsection (a) commits a
6 summary offense and shall, upon conviction, be sentenced to pay
7 a fine of \$50.

8 (d.1) Prohibition on similar citations.--A person may not be
9 charged with a violation of section 3316.1 (relating to
10 prohibiting use of interactive mobile device) concurrently with
11 a violation of subsection (a) for an offense committed at the
12 same time and place.

13 (e) Preemption of local ordinances.--In accordance with
14 section 6101 (relating to applicability and uniformity of
15 title), this section supersedes and preempts all ordinances of
16 any municipality with regard to the use of an interactive
17 [wireless communications] mobile device by the driver of a motor
18 vehicle.

19 (f) Definition.--As used in this section, the term "text-
20 based communication" means a text message, instant message,
21 electronic mail or other written communication composed or
22 received on an interactive [wireless communications] mobile
23 device.

24 Section 5. Title 75 is amended by adding a section to read:
25 § 3316.1. Prohibiting use of interactive mobile device.

26 (a) Motor vehicle.--Except as provided under subsection (b),
27 no driver shall use an interactive mobile device while driving a
28 motor vehicle.

29 (b) Emergency use exception.--Using an interactive mobile
30 device shall be permissible by a driver of a motor vehicle if

1 necessary to communicate with a law enforcement official or
2 other emergency services to prevent injury to persons or
3 property.

4 (c) Penalties.--Except as provided for in subsection (g), a
5 person who violates this section commits a summary offense and
6 shall, upon conviction, be sentenced to pay a fine of \$50.

7 (d) Preemption of local ordinances.--In accordance with
8 section 6101 (relating to applicability and uniformity of
9 title), this section supersedes and preempts all ordinances of
10 any municipality with regard to the use of an interactive mobile
11 device by a driver of a motor vehicle.

12 (e) Seizure.--Nothing in this section shall be construed to
13 authorize the seizure or forfeiture of an interactive mobile
14 device, unless otherwise provided by law.

15 (f) Law enforcement education.--The department, in
16 consultation with the Pennsylvania State Police, shall develop
17 and electronically distribute education materials for law
18 enforcement on how to effectively detect distracted drivers,
19 regardless of age, sex, race or ethnicity, who violate this
20 section.

21 (g) Warning period.--For the first 12 months after the
22 effective date of this subsection, a driver who violates
23 subsection (a) may only be issued a written warning for a
24 violation.

25 (h) Prohibition on similar citations.--A person may not be
26 charged with a violation of section 3316 (relating to
27 prohibiting text-based communications) concurrently with a
28 violation of subsection (a) for an offense committed at the same
29 time and place.

30 (i) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this
2 subsection unless the context clearly indicates otherwise:

3 "Driving." Operating a motor vehicle on a highway, including
4 while the motor vehicle is temporarily stationary because of
5 traffic, a traffic control device or other momentary delay. The
6 term does not include operating a motor vehicle if the driver
7 moved the vehicle to the side of or off of a highway and halted
8 in a location where the vehicle can safely remain stationary.

9 "Use an interactive mobile device." As follows:

10 (1) Using at least one hand to hold, or supporting with
11 another part of the body, an interactive mobile device.

12 (2) Dialing or answering an interactive mobile device by
13 pressing more than a single button.

14 (3) Reaching for an interactive mobile device in a
15 manner that requires a driver to maneuver so that the driver
16 is no longer in a seated driving position, restrained by a
17 seat belt that is installed in accordance with 49 CFR 393.93
18 (relating to seats, seat belt assemblies, and seat belt
19 assembly anchorages) and adjusted in accordance with the
20 vehicle manufacturer's instructions.

21 Section 6. Sections 3732(b)(1.1) and (3) and 3732.1(b)(2)
22 and (4) of Title 75 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), 3316.1
3 (relating to prohibiting use of interactive mobile device),
4 3325 (relating to duty of driver on approach of emergency
5 vehicle) or 3327 (relating to duty of driver in emergency
6 response areas and in relation to disabled vehicles) may be
7 sentenced to an additional term not to exceed five years'
8 confinement.

9 * * *

10 (3) The Pennsylvania Commission on Sentencing, pursuant
11 to 42 Pa.C.S. § 2154 (relating to adoption of guidelines for
12 sentencing), shall provide for a sentencing enhancement for
13 an offense under this section when the violation occurred in
14 an active work zone or the individual was also convicted of a
15 violation of section 1501, 1543, 3316, 3316.1, 3325 or 3327.
16 § 3732.1. Aggravated assault by vehicle.

17 * * *

18 (b) Sentencing.--

19 * * *

20 (2) In addition to any other penalty provided by law, a
21 person convicted of a violation of subsection (a) who is also
22 convicted of a violation of section 1501 (relating to drivers
23 required to be licensed), 1543 (relating to driving while
24 operating privilege is suspended or revoked), 3316 (relating
25 to prohibiting text-based communications), 3316.1 (relating
26 to prohibiting use of interactive mobile device), 3325
27 (relating to duty of driver on approach of emergency vehicle)
28 or 3327 (relating to duty of driver in emergency response
29 areas and in relation to disabled vehicles) may be sentenced
30 to an additional term not to exceed two years' confinement.

1 * * *

2 (4) The Pennsylvania Commission on Sentencing, under 42
3 Pa.C.S. § 2154 (relating to adoption of guidelines for
4 sentencing), shall provide for a sentencing enhancement for
5 an offense under this section when the violation occurred in
6 an active work zone or the individual was also convicted of a
7 violation of section 1501, 1543, 3316, 3316.1, 3325 or 3327.

8 Section 7. Title 75 is amended by adding a section to read:
9 § 6329. Data collection and reporting relating to traffic
10 stops.

11 (a) Data collection.--Notwithstanding any law to the
12 contrary, a Pennsylvania State Police officer or a local police
13 officer shall collect, in a form and manner determined by the
14 Pennsylvania State Police, the following information for any
15 self-initiated traffic stop made under this title as authorized
16 under section 6308 (relating to investigation by police
17 officers):

18 (1) The reason for the traffic stop.

19 (2) The perceived race and ethnicity of the driver
20 subject to the traffic stop.

21 (3) The gender and age of the driver subject to the
22 traffic stop.

23 (4) Whether a search was initiated, including a search
24 of a vehicle or the vehicle operator or passengers, and, if a
25 search was initiated, whether the search was conducted with
26 the consent of the operator or passengers.

27 (5) The results of a search.

28 (6) Whether the traffic stop or subsequent search
29 resulted in a warning, citation, arrest or other action.

30 (7) Any additional information the Pennsylvania State

1 Police deems necessary.

2 (b) Effect of failure to collect data.--The failure of a
3 member of the Pennsylvania State Police or a local police
4 officer to collect the data under subsection (a) shall not
5 affect the validity of the underlying traffic stop.

6 (c) Report by local police departments.--On an annual basis,
7 a local police department shall transmit the data collected
8 under subsection (a) by the local police officers employed by
9 the local police department to the Pennsylvania State Police, or
10 a third party designated by the Pennsylvania State Police with
11 experience in the analysis of such data, for the preparation of
12 an annual analysis and report based on the data. Upon receipt of
13 the data, the Pennsylvania State Police or the third party shall
14 immediately make the annual analysis and report, including any
15 aggregate analysis of the data, publicly available by posting
16 the annual analysis and report on a publicly accessible Internet
17 website and transmit a copy of the annual analysis and report to
18 all of the following:

19 (1) The chair and minority chair of the Transportation
20 Committee of the Senate.

21 (2) The chair and minority chair of the Transportation
22 committee of the House of Representatives.

23 (3) The Pennsylvania Commission on Crime and
24 Delinquency.

25 (4) The Pennsylvania Human Relations Commission.

26 (d) Guidance and directives.--The Pennsylvania State Police
27 shall issue guidance to all of the following:

28 (1) If applicable, a third party designated by the
29 Pennsylvania State Police on the organization and appearance
30 of an analysis and report required under subsection (c).

1 (2) Each local police department on the required method,
2 manner and schedule for transmitting the data collected under
3 subsection (a) to the Pennsylvania State Police or a third
4 party designated by the Pennsylvania State Police under
5 subsection (c).

6 (e) Interdepartmental cooperation.--Local police departments
7 may enter into agreements and jointly cooperate for the purpose
8 of developing, sharing or implementing a system that satisfies
9 this section.

10 (f) Applicability.--

11 (1) The requirements under this section do not apply to
12 a local police department that, on the effective date of this
13 paragraph, is collecting the data specified in subsection
14 (a), providing the data to a third party for analysis and
15 making the results available to the public.

16 (2) If a local police department stops collecting the
17 data under subsection (a), providing the data to a third
18 party for analysis or making the results available to the
19 public, the local police department shall be subject to the
20 requirements under this section.

21 (g) Construction.--Nothing in this section shall be
22 construed to prohibit data collected under this section from
23 being shared with organizations that compile national data
24 statistics. Data collected under subsection (a) shall not be
25 accessible under the act of February 14, 2008 (P.L.6, No.3),
26 known as the Right-to-Know Law.

27 (h) Definitions.--As used in this section, the following
28 words and phrases shall have the meanings given to them in this
29 subsection unless the context clearly indicates otherwise:

30 "Local police department." A police department that is:

1 (1) a regional police department that provides police
2 services to more than one municipality pursuant to an
3 agreement or contract and serves a total population of more
4 than 5,000 according to the 2020 Federal decennial census; or

5 (2) a municipal police department for a municipality
6 with a population of more than 5,000 according to the 2020
7 Federal decennial census.

8 "Local police officer." An employee of a local police
9 department who is empowered to:

10 (1) Enforce 18 Pa.C.S. (relating to crimes and offenses)
11 and this title.

12 (2) Make traffic stops under section 6308.

13 "Self-initiated traffic stop." A traffic stop, regardless of
14 the outcome, that was initiated as a result of a reasonable
15 suspicion or probable cause of a violation of traffic or
16 criminal law.

17 Section 8. This act shall take effect as follows:

18 (1) This section shall take effect immediately.

19 (2) The addition of 75 Pa.C.S. § 6329 shall take effect
20 in 18 months.

21 (3) The remainder of this act shall take effect in 12
22 months.