

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1267 Session of 2013

INTRODUCED BY KORTZ, COHEN, ROZZI, D. COSTA, RAVENSTAHL,
SCHLOSSBERG, MAHONEY, DeLUCA, SWANGER, V. BROWN AND FREEMAN,
APRIL 29, 2013

REFERRED TO COMMITTEE ON EDUCATION, APRIL 29, 2013

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in pupils and attendance, prohibiting
6 certain unsafe operation of school buses and school vehicles.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
10 as the Public School Code of 1949, is amended by adding a
11 section to read:

12 Section 1361.1. Unsafe Operation of School Buses.--(a) No
13 individual shall consume food or beverages or operate a cellular
14 telephone while operating a school bus or a school vehicle on
15 any trafficway when such vehicle is in motion and such bus or
16 vehicle is transporting one or more children.

17 (b) The prohibition in subsection (a) shall not apply when
18 the school bus or school vehicle is parked in a safe area off of
19 a trafficway as defined in 75 Pa.C.S. § 102 (relating to

1 definitions), the consumption of food or beverages is necessary
2 for a medical condition, or in an emergency situation as
3 specified in subsection (d).

4 (c) A person who violates this section commits a summary
5 offense and shall, upon conviction, be sentenced to pay a fine
6 of not less than fifty dollars (\$50) nor more than one hundred
7 dollars (\$100). The fine shall be three hundred dollars (\$300)
8 if the violation causes a vehicular accident.

9 (d) For purposes of this section:

10 "Cellular telephone" shall mean a cellular, analog, wireless
11 or digital two-way communication device that:

12 (1) Requires the operator to dial numbers or operate
13 manually.

14 (2) Includes radio-telephone communications used in cellular
15 telephone service, personal communication service or the
16 functional equivalent of a radio-telephone communications line
17 used in cellular telephone service or a personal communication
18 service.

19 The term does not include a two-way radio, a citizens band radio
20 or a citizens band radio hybrid.

21 "Emergency situation" shall include an occasion where a call
22 is made to:

23 (1) An emergency system response operator or 911 public
24 safety communications dispatcher.

25 (2) A hospital or emergency room.

26 (3) A physician's office or health clinic.

27 (4) An ambulance or fire department rescue service.

28 (5) A fire department or volunteer fire department.

29 (6) A police department.

30 (7) A school district building or central dispatch.

1 (8) Emergency roadside assistance agencies or towing or
2 repair businesses.

3 "School bus" shall have the same meaning as under 75 Pa.C.S.
4 § 102 (relating to definitions).

5 "School vehicle" shall have the same meaning as under 75
6 Pa.C.S. § 102 (relating to definitions).

7 Section 2. This act shall take effect in 60 days.