

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 153 Session of 2015

INTRODUCED BY TEPLITZ, WOZNIAK, BLAKE, HUGHES, SMITH, YUDICHAK AND COSTA, JANUARY 26, 2015

REFERRED TO TRANSPORTATION, JANUARY 26, 2015

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
 2 Statutes, in rules of the road in general, prohibiting
 3 certain calls on handheld mobile telephones; and imposing a
 4 duty on the Department of Transportation relating to a public
 5 awareness program.

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

8 Section 1. Title 75 of the Pennsylvania Consolidated
 9 Statutes is amended by adding a section to read:

10 § 3317. Prohibiting calls on handheld mobile telephones.

11 (a) General rule.--Except as otherwise provided in this
 12 section, no person shall operate a motor vehicle on a highway or
 13 trafficway in this Commonwealth while using a handheld mobile
 14 telephone to engage in a call while such vehicle is in motion.

15 (b) Presumption.--

16 (1) An operator of a motor vehicle who holds a handheld
 17 mobile telephone to or in the immediate proximity of the
 18 operator's ear while the motor vehicle is in motion is
 19 presumed to be engaging in a call within the meaning of this

1 section.

2 (2) The presumption established by this subsection is
3 rebuttable by evidence which shows that the operator was not
4 engaged in a call.

5 (3) The provisions of this subsection shall not be
6 construed as authorizing the seizure or forfeiture of a
7 handheld mobile telephone or a mobile electronic device,
8 unless otherwise provided by law.

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

10 (1) The use of a handheld mobile telephone for the sole
11 purpose of communicating with any of the following regarding
12 an emergency situation:

13 (i) an emergency response operator;

14 (ii) a hospital, physician's office or health
15 clinic;

16 (iii) an ambulance company;

17 (iv) a fire department; or

18 (v) a police department.

19 (2) Any of the following persons while in the
20 performance of their official duties and within the scope of
21 their employment:

22 (i) a law enforcement officer;

23 (ii) a firefighter or an operator of an ambulance or
24 authorized emergency vehicle; or

25 (iii) a member of the armed forces of the United
26 States while operating a military vehicle.

27 (3) The use of a handheld radio by a person with an
28 amateur radio station license issued by the Federal
29 Communications Commission.

30 (4) The use of a hands-free mobile telephone.

1 (d) Penalty.--

2 (1) A person who violates subsection (a) commits a
3 summary offense and shall, upon conviction, be sentenced to
4 pay a fine of \$50 for the first violation, \$100 for a second
5 violation and \$150 for a third or subsequent violation.

6 (2) No person shall be convicted of a violation of
7 subsection (a) unless the person is also convicted of another
8 violation of this title which occurred at the same time. No
9 costs as described in 42 Pa.C.S. § 1725.1 (relating to costs)
10 shall be imposed for summary conviction of subsection (a).
11 Conviction of the summary offense under this section shall
12 not constitute a moving violation.

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 a handheld mobile
17 telephone by the operator of a motor vehicle.

18 (f) Definitions.--As used in this section, the following
19 words and phrases shall have the meanings given to them in this
20 subsection unless the context clearly indicates otherwise:

21 "Engage in a call." Talking into or listening on a handheld
22 mobile telephone. The term does not include holding a handheld
23 mobile telephone to activate, deactivate or initiate a function
24 of such telephone.

25 "Hands-free accessory." An attachment, add-on, built-in
26 feature or addition to a mobile telephone, whether or not
27 permanently installed in a motor vehicle, that when used allows
28 the vehicle operator to maintain both hands on the steering
29 wheel.

30 "Hands-free mobile telephone." A handheld mobile telephone

1 that has an internal feature or function or that is equipped
2 with an attachment or addition, whether or not permanently part
3 of such handheld mobile telephone, by which a user engages in a
4 call without the use of either hand, whether or not the use of
5 either hand is necessary to activate, deactivate or initiate a
6 function of such telephone.

7 "Handheld mobile telephone." A mobile telephone with which a
8 user engages in a call using at least one hand.

9 "Immediate proximity." The distance that permits an operator
10 of a handheld mobile telephone to hear telecommunications
11 transmitted over such handheld mobile telephone, but does not
12 require physical contact with the operator's ear.

13 "Mobile electronic device." Any handheld or other portable
14 electronic equipment capable of providing data communication
15 between two or more persons, including a text messaging device,
16 a paging device, a personal digital assistant, a laptop
17 computer, equipment that is capable of playing a video game or a
18 digital video disk or equipment on which digital photographs are
19 taken or transmitted, or any combination thereof. The term does
20 not include any audio equipment or equipment installed in a
21 motor vehicle for the purpose of providing navigation, emergency
22 assistance to the operator of such motor vehicle or video
23 entertainment to the passengers in the rear seats of such motor
24 vehicle.

25 "Mobile telephone." A cellular, analog, wireless or digital
26 telephone capable of sending or receiving telephone
27 communications without an access line for service.

28 "Using" or "use." Holding a handheld mobile telephone to or
29 in the immediate proximity of the user's ear.

30 Section 2. The Department of Transportation shall develop

1 and implement a comprehensive public awareness program designed
2 to educate the citizens of this Commonwealth regarding the
3 provisions of 75 Pa.C.S. § 3317.

4 Section 3. This act shall take effect as follows:

5 (1) The addition of 75 Pa.C.S. § 3317 shall take effect
6 in six months.

7 (2) The remainder of this act shall take effect
8 immediately.