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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 37 Session of  
2023

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

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REFERRED TO TRANSPORTATION, APRIL 10, 2023

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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 wireless  
8 communications devices; in miscellaneous provisions relating  
9 to serious traffic offenses, further providing for the  
10 offense of homicide by vehicle and for the offense of  
11 aggravated assault by vehicle; and imposing penalties.

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

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

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

18 § 102. Definitions.

19 Subject to additional definitions contained in subsequent  
20 provisions of this title which are applicable to specific  
21 provisions of this title, the following words and phrases when  
22 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] emailing, browsing the  
7 Internet [or], instant messaging[.], playing games, taking or  
8 transmitting images, recording or broadcasting videos, creating  
9 or sharing social media or otherwise sending or receiving  
10 electronic data. The term does not include any of the following:

11 (1) a device being used exclusively as a global  
12 positioning or navigation system;

13 (2) a system or device that is physically or  
14 electronically integrated into the vehicle[; or], except  
15 being connected to the vehicle solely for the purpose of  
16 charging the system or device;

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

19 (4) a mobile or handheld radio being used by a person  
20 with an amateur radio station license issued by the Federal  
21 Communications Commission;

22 (5) a device being used exclusively for emergency  
23 notification purposes;

24 (6) a device being used exclusively by an emergency  
25 service responder while operating an emergency vehicle and  
26 engaged in the performance of duties; or

27 (7) a device being used exclusively by a commercial  
28 driver who within the scope of the individual's employment  
29 uses a device if the use is permitted under regulations  
30 promulgated under 49 U.S.C. § 31136 (relating to United

1 States Government regulations).

2 \* \* \*

3 Section 2. Section 1505(e) (2) of Title 75 is amended to  
4 read:

5 § 1505. Learners' permits.

6 \* \* \*

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

14 \* \* \*

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

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

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

26 (iii) viewed educational materials provided on the  
27 department's publicly accessible Internet website on the  
28 dangers of distracted driving, which may include, but are  
29 not limited to, written, electronic or video materials.

30 \* \* \*

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

3 § 1508. Examination of applicant for driver's license.

4 \* \* \*

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

11 \* \* \*

12 Section 4. Section 3316(a) and (d) of Title 75 are amended  
13 to read:

14 § 3316. Prohibiting text-based communications.

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

28 (1) the driver reads, selects or enters a telephone  
29 number or name in an interactive wireless communications  
30 device for the purposes of activating or deactivating a voice

1 communication or a telephone call; or

2 (2) the driver sends or receives the text-based  
3 communication through a hands-free accessory or other system  
4 or device integrated into the vehicle that allows for the  
5 sending or receiving of text-based communications without the  
6 need for the driver to touch the interactive wireless  
7 communications device or read the text-based communication.

8 \* \* \*

9 (d) Penalty.--[A person who violates subsection (a) commits  
10 a summary offense and shall, upon conviction, be sentenced to  
11 pay a fine of \$50.] A person who violates subsection (a) commits  
12 a summary offense and shall, upon conviction, be sentenced to  
13 pay a fine of \$100. The following shall apply:

14 (1) No points shall be added to the record of a driver  
15 on account of a violation of this section.

16 (2) No costs or surcharges imposed under section 6506  
17 (relating to surcharge) or 42 Pa.C.S. § 1725.1 (relating to  
18 costs) shall be assessed or imposed on a conviction under  
19 this section.

20 \* \* \*

21 Section 5. Title 75 is amended by adding a section to read:  
22 § 3316.1. Prohibiting use of interactive wireless  
23 communications devices.

24 (a) Prohibition.--No driver shall operate a motor vehicle on  
25 a highway or trafficway in this Commonwealth while physically  
26 holding or supporting with their body an interactive wireless  
27 communications device, unless the motor vehicle is parked on the  
28 side or shoulder of a highway or trafficway in this Commonwealth  
29 where the motor vehicle is safely able to remain stationary.

30 (b) Seizure.--The provisions of this section shall not be

1 construed as authorizing the seizure or forfeiture of an  
2 interactive wireless communications device unless otherwise  
3 provided by law.

4 (c) Penalties.--

5 (1) Except as provided for in paragraph (2) and  
6 subsection (f), a person who violates this section commits a  
7 summary offense. The following shall apply:

8 (i) For a first conviction with no conviction of and  
9 no plea of no contest accepted to a charge of violating  
10 this section within the previous 24-month period, as  
11 measured from the dates any previous convictions were  
12 obtained or pleas of no contest were accepted to the date  
13 the current conviction is obtained or plea of no contest  
14 is accepted, a fine of not more than \$150 shall be  
15 imposed.

16 (ii) For a second conviction within a 24-month  
17 period of time, as measured from the dates any previous  
18 convictions were obtained or pleas of no contest were  
19 accepted to the date the current conviction is obtained  
20 or plea of no contest is accepted, a fine of not more  
21 than \$250 and two points shall be imposed.

22 (iii) For a third or subsequent conviction within a  
23 24-month period of time, as measured from the dates any  
24 previous convictions were obtained or pleas of no contest  
25 were accepted to the date the current conviction is  
26 obtained or plea of no contest is accepted, a fine of not  
27 more than \$500, three points and, at the court's  
28 discretion, suspension of the offender's driver's license  
29 for a period of 60 days shall be imposed.

30 (2) A person appearing before a court for a first charge

1 of violating this section who produces in court a device or  
2 proof of purchase of the device that would allow the person  
3 to comply with this section in the future shall not be guilty  
4 of the offense. The court shall require the person to affirm  
5 that they have not previously utilized the privilege under  
6 this section.

7 (3) A person convicted of a violation of any law or  
8 ordinance pertaining to speed when the offender was also  
9 distracted, as described in this section, shall have points  
10 imposed as follows:

11 (i) When the speed exceeds the lawful speed limit by  
12 30 miles per hour or more, four points.

13 (ii) When the speed exceeds the lawful speed limit  
14 of 55 miles per hour or more by more than 10 miles per  
15 hour, three points.

16 (iii) When the speed exceeds the lawful speed limit  
17 of less than 55 miles per hour by more than five miles  
18 per hour, three points.

19 (4) A person who causes physical harm to property as the  
20 proximate result of committing a violation of this section  
21 commits a misdemeanor of the first degree. In addition to any  
22 other authorized penalty, the court shall impose upon the  
23 offender a fine of not less than \$500 and not more than  
24 \$1,000 and three points.

25 (5) A person who causes serious physical harm to another  
26 person as the proximate result of committing a violation of  
27 this section commits aggravated assault by vehicle and shall  
28 be subject to the sentencing provisions under section 3732.1  
29 (relating to aggravated assault by vehicle).

30 (6) A person who causes the death of another person as

1 the proximate result of committing a violation of this  
2 section commits homicide by vehicle and shall be subject to  
3 the sentencing provisions under section 3732 (relating to  
4 homicide by vehicle).

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

10 (e) Law enforcement education.--The department, in  
11 consultation with the Pennsylvania State Police, shall develop  
12 and electronically distribute education materials for law  
13 enforcement on how to effectively detect distracted drivers,  
14 regardless of age, sex, race or ethnicity, who violate this  
15 section.

16 (f) Warning period.--For the first six months after the  
17 effective date of this subsection, a driver who violates  
18 subsection (a) may only be issued a written warning for a  
19 violation.

20 (g) Prohibition on similar citations.--No person may be  
21 charged with a violation of section 3316 (relating to  
22 prohibiting text-based communications) concurrently with a  
23 violation of subsection (a) for an offense committed at the same  
24 time and place.

25 (h) Reporting.--

26 (1) When a law enforcement officer employed by a police  
27 department with at least 100 officers issues a citation for a  
28 violation of this section, the law enforcement officer must  
29 record the following:

30 (i) the reason for the stop;



1           (ii) the date, time and street address or  
2 approximate location of the stop;

3           (iii) the perceived race and ethnicity of the driver  
4 subject to the stop;

5           (iv) the perceived gender and age of the driver  
6 subject to the stop;

7           (v) whether a search was initiated, including a  
8 search of a vehicle or the vehicle operator and, if a  
9 search was initiated, whether the search was conducted  
10 with the consent of the operator;

11           (vi) the results of any search;

12           (vii) whether the stop or subsequent search resulted  
13 in a warning, citation, arrest or other action; and

14           (viii) the badge number of the police officer  
15 initiating the stop.

16           (2) All law enforcement agencies with at least 100  
17 officers must maintain and report the information under  
18 paragraph (1) to the Administrative Office of Pennsylvania  
19 Courts in a form and manner determined by the Administrative  
20 Office of Pennsylvania Courts.

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 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 and in relation to  
7 disabled vehicles) may be sentenced to an additional term not  
8 to exceed five years' 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 wireless communications  
27 devices), 3325 (relating to duty of driver on approach of  
28 emergency vehicle) or 3327 (relating to duty of driver in  
29 emergency response areas and in relation to disabled  
30 vehicles) may be sentenced to an additional term not to

1 exceed two years' confinement.

2 \* \* \*

3 (4) The Pennsylvania Commission on Sentencing, under 42  
4 Pa.C.S. § 2154 (relating to adoption of guidelines for  
5 sentencing), shall provide for a sentencing enhancement for  
6 an offense under this section when the violation occurred in  
7 an active work zone or the individual was also convicted of a  
8 violation of section 1501, 1543, 3316, 3316.1, 3325 or 3327.  
9 Section 7. This act shall take effect in 180 days.