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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 786 Session of  
2017

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INTRODUCED BY RAFFERTY, SABATINA, KILLION, YUDICHAK, COSTA,  
MENSCH, VULAKOVICH, WARD, BARTOLOTTA AND REGAN, JUNE 19, 2017

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REFERRED TO TRANSPORTATION, JUNE 19, 2017

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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 examination of applicant for driver's license; and, in rules  
5 of the road in general, further providing for prohibiting  
6 text-based communications and providing for prohibiting use  
7 of interactive wireless communications device by novice  
8 drivers.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. The definition of "interactive wireless  
12 communications device" in section 102 of Title 75 of the  
13 Pennsylvania Consolidated Statutes is amended and the section is  
14 amended by adding a definition to read:

15 § 102. Definitions.

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

21 \* \* \*

1 "Interactive wireless communications device." A wireless  
2 telephone, personal digital assistant, smart phone, portable or  
3 mobile computer or similar device which can be used for voice  
4 communication, texting, e-mailing, browsing the Internet or  
5 instant messaging or means through which personal wireless  
6 services are transmitted. The term does not include any of the  
7 following:

8 (1) a device being used exclusively as a global  
9 positioning or navigation system;

10 (2) a system or device that is physically or  
11 electronically integrated into the vehicle; [or]

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

14 (4) a device being used exclusively for emergency  
15 notification purposes.

16 \* \* \*

17 "Novice driver." A driver under 18 years of age or a person  
18 with a learner's permit.

19 \* \* \*

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

22 § 1508. Examination of applicant for driver's license.

23 \* \* \*

24 (c.1) Distracted driving awareness.--The portion of the  
25 examination on traffic laws shall contain at least one question  
26 on distracted driving relating to the driver's ability to  
27 understand the effects of distracted driving. The driver's  
28 manual shall include a section relating to distracted driving,  
29 the effects of distracted driving, the laws on distracted  
30 driving and related penalties.

1 \* \* \*

2 Section 3. Section 3316(a), (b) and (d) of Title 75 are  
3 amended to read:

4 § 3316. Prohibiting text-based communications.

5 (a) Prohibition.--No driver shall operate a motor vehicle on  
6 a highway or trafficway in this Commonwealth while using an  
7 interactive wireless communications device to send, read or  
8 write a text-based communication [while the vehicle is in  
9 motion. A], unless the motor vehicle is parked on the side or  
10 shoulder of a highway or trafficway in this Commonwealth where  
11 the motor vehicle is safely able to remain stationary. Except  
12 for a novice driver, a person does not send, read or write a  
13 text-based communication when the person reads, selects or  
14 enters a telephone number or name in an interactive wireless  
15 communications device for the purpose of activating or  
16 deactivating a voice communication or a telephone call.

17 (b) [(Reserved).] Nonapplicability.--Subsection (a) shall  
18 not apply to a driver who:

19 (1) uses an interactive wireless communications device  
20 to contact emergency services;

21 (2) is emergency services personnel and uses an  
22 interactive wireless communications device while:

23 (i) is operating an emergency services vehicle; and

24 (ii) is engaged in the performance of the duties as  
25 an emergency service personnel; or

26 (3) is employed as a commercial motor vehicle driver or  
27 a school bus driver who within the scope of the individual's  
28 employment uses an interactive wireless communications device  
29 if the use is permitted under regulations promulgated under  
30 49 U.S.C. § 31136 (relating to United States Government

1 regulations).

2 \* \* \*

3 (d) Penalty.--A person who violates subsection (a) commits a  
4 summary offense and shall, upon conviction, be sentenced to pay  
5 a fine of [~~\$50.~~] \$100 for the first offense and \$200 for a  
6 second or subsequent offense.

7 \* \* \*

8 Section 4. Title 75 is amended by adding a section to read:

9 § 3317. Prohibiting use of interactive wireless communications  
10 device by novice drivers.

11 (a) Prohibition.--A novice driver may not operate a motor  
12 vehicle on a highway or trafficway in this Commonwealth while  
13 using an interactive wireless communications device, unless the  
14 motor vehicle is parked on the side or shoulder of a highway or  
15 trafficway in this Commonwealth where the motor vehicle is  
16 safely able to remain stationary.

17 (b) Seizure.--The provisions of this section shall not be  
18 construed as authorizing the seizure or forfeiture of an  
19 interactive wireless communications device, unless otherwise  
20 provided by law.

21 (c) Nonapplicability.--Subsection (a) shall not apply to a  
22 novice driver who:

23 (1) uses an interactive wireless communications device  
24 to contact emergency services;

25 (2) is emergency services personnel and uses an  
26 interactive wireless communications device while:

27 (i) is operating an emergency services vehicle; and

28 (ii) engaged in the performance of the duties as an  
29 emergency service personnel; or

30 (3) is employed as a commercial motor vehicle driver or

1 a school bus driver who within the scope of the individual's  
2 employment uses an interactive wireless communications device  
3 if the use is permitted under regulations promulgated under  
4 49 U.S.C. § 31136 (relating to United States government  
5 regulations).

6 (d) Penalty.--A novice driver who violates subsection (a)  
7 commits a summary offense and shall, upon conviction, be  
8 sentenced to pay a fine of \$100 for the first offense and \$200  
9 for a second or subsequent offense.

10 Section 5. This act shall take effect in 60 days.