

No. 2011-98

AN ACT

SB 314

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, defining "interactive wireless communications device"; and prohibiting use of interactive wireless communications devices for text-based communications while operating motor vehicles.

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

Section 1. Section 102 of Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a definition to read:

§ 102. Definitions.

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

* * *

"Interactive wireless communications device." A wireless telephone, personal digital assistant, smart phone, portable or mobile computer or similar device which can be used for voice communication, texting, e-mailing, browsing the Internet or instant messaging. The term does not include any of the following:

- (1) a device being used exclusively as a global positioning or navigation system;*
- (2) a system or device that is physically or electronically integrated into the vehicle; or*
- (3) a communications device that is affixed to a mass transit vehicle, bus or school bus.*

* * *

Section 2. Title 75 is amended by adding a section to read:

§ 3316. *Prohibiting text-based communications.*

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

(b) (Reserved).

(c) Seizure.—The provisions of this section shall not be construed as authorizing the seizure or forfeiture of an interactive wireless communications device, unless otherwise provided by law.

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

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

(f) Definition.—As used in this section, the term "text-based communication" means a text message, instant message, electronic mail or other written communication composed or received on an interactive wireless communications device.

Section 3. This act shall take effect in 120 days.

APPROVED—The 9th day of November, A.D. 2011

TOM CORBETT