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Distractions Legislation

HB 896-Murt SUMMARY:

HB 896 will add If a driver is convicted of violating Section 3714, the additional penalty is applied if it is determined that the driver at the time of the violation was distracted by the use of any device, including, but not limited to, an electronic device, an electrical device, a personal grooming device, food, drink, book or other printed material. In essence, an extra punitive measure is added after a careless driving violation is observed.

The offense of distracted driving is an add-on offense and carries with it a \$50 fine in addition to the fine for careless driving (\$25 summary offense; \$300 if death results; \$250 if injury results). This additional penalty is not considered a moving violation under the bill and no additional court costs and no additional points are assessed on the driver's record for a conviction of the subsection.

Establishes a distracted driver education program at PennDOT funded in part by the \$50 fines for distracted driving in the bill. Additional funds would come from Federal Distracted Driving funds and private donations. A report to the General Assembly is required to be made by PennDOT on the effectiveness of the enhanced fine by August 31, 2018.

Effective in 60 days.

HB 1684-Brown SUMMARY:

HB 1684 is legislation prohibiting calls on hand-held mobile telephones in Pennsylvania, except with the use of hands-free accessories while operating a moving motor vehicle.

Also, no person under the age of 18 years of age shall use ANY hand-held mobile telephone, including one with a hands-free accessory while operating a moving motor vehicle. Exemptions for communicating with a hand-held mobile telephone would be permitted during emergency situations only if the vehicle is not equipped with hands-free technology.

It would also permit emergency responders, while in performance of their official duties, to only use hand-held mobile telephones if their vehicles are not equipped with hands-free technology.

The first offense for violating this law would be \$50 and 3 points to a license and \$150 for a second or each subsequent offense and a 3 points for each offense.

HB TBD-Boback SUMMARY:

The bill adds a \$25 penalty for distracted pedestrians who are using an interactive communications device and suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close to constitute a hazard; and distracted pedestrians who are using an interactive communications device while crossing a roadway at any point other than within a crosswalk and do not yield the right-of-way to all vehicles upon that roadway.

Current Law

Texting- Act 98 of 2011 prohibits texting for **all** drivers while driving a motor vehicle. A violation results in a fine of \$50 plus costs and surcharges. An interactive wireless communication device is defined in Act 98 as “a wireless telephone, personal digital assistant, smart phone, portable or mobile computer or similar device which can be used for voice communication, texting, emailing, browsing the internet or instant messaging.”

In Act 98, the only exceptions to using an interactive wireless communications are:

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

Hand-Held devices-Act 85 of 2014, amended the Vehicle Code to prohibit someone who is operating a commercial motor vehicle or motor carrier vehicle from talking on a hand-held cell phone and texting while driving. There is a \$100 fine for this summary offense. Commercial truck drivers had already been banned from using the devices by federal statute for some time; however, this act now makes it a state Vehicle Code offense as well.

According to data provided by the Governor’s Highway Safety Association, only 14 states, Washington D.C., Puerto Rico, Guam and the Virgin Islands currently ban hand-held cell phones for all drivers. However, 46 states, D.C., Puerto Rico, Guam and the Virgin Islands ban text messaging for all drivers and an additional two states prohibit text messaging by novice drivers. Many other states are considering restrictions on cell phone use to one degree or another. The main point that must be remembered, however, is that cellular phones perform a very crucial safety function for travelers with access to 911 and maps and route guidance as well, which makes it difficult to establish an out-right ban.