

VEHICLE CODE (75 PA.C.S.) - OMNIBUS AMENDMENTS

Act of Jun. 5, 2024, P.L. 366, No. 18

Cl. 75

Session of 2024

No. 2024-18

SB 37

AN ACT

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in licensing of drivers, further providing for learners' permits and for examination of applicant for driver's license; in rules of the road in general, further providing for prohibiting text-based communications and providing for prohibiting use of interactive mobile device; in miscellaneous provisions relating to serious traffic offenses, further providing for the offense of homicide by vehicle and for the offense of aggravated assault by vehicle; in enforcement, providing for data collection and reporting relating to traffic stops; and imposing penalties.

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

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

Section 1. The definition of "interactive wireless communications device" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes is amended 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] **mobile device.**" A **handheld** wireless telephone, personal digital assistant, smart phone, portable or mobile computer or similar device which can be used for voice communication, texting, [e-mailing] **emailing**, browsing the Internet [or], instant messaging[.], **playing games, taking or transmitting images, recording or broadcasting videos, creating or sharing social media or otherwise sending or receiving electronic data.** 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 **being used in a hands-free manner or with a hands-free accessory or system, including one 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[.];

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

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

(6) a device being used exclusively by an emergency service responder while engaged in the performance of duties; or

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

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

§ 1505. Learners' permits.

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

* * *

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

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

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

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

* * *

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

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

* * *

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

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Section 4. Section 3316 of Title 75 is amended 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] **mobile** 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] **mobile** device for the purpose of activating or deactivating a voice communication or a telephone call.

(b) [(Reserved).] **Emergency use exception.--Texting while driving shall be permissible by a driver of a motor vehicle if**

necessary to communicate with a law enforcement official or other emergency services to prevent injury to persons or property.

(c) **Seizure.**--The provisions of this section shall not be construed as authorizing the seizure or forfeiture of an interactive [wireless communications] **mobile** 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.

(d.1) Prohibition on similar citations.--A person may not be charged with a violation of section 3316.1 (relating to prohibiting use of interactive mobile device) concurrently with a violation of subsection (a) for an offense committed at the same time and place.

(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] **mobile** 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] **mobile** device.

Section 5. Title 75 is amended by adding a section to read:
§ 3316.1. Prohibiting use of interactive mobile device.

(a) **Motor vehicle.**--Except as provided under subsection (b), no driver shall use an interactive mobile device while driving a motor vehicle.

(b) **Emergency use exception.**--Using an interactive mobile device shall be permissible by a driver of a motor vehicle if necessary to communicate with a law enforcement official or other emergency services to prevent injury to persons or property.

(c) **Penalties.**--Except as provided for in subsection (g), a person who violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50.

(d) **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 mobile device by a driver of a motor vehicle.

(e) **Seizure.**--Nothing in this section shall be construed to authorize the seizure or forfeiture of an interactive mobile device, unless otherwise provided by law.

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

(g) **Warning period.**--For the first 12 months after the effective date of this subsection, a driver who violates subsection (a) may only be issued a written warning for a violation.

(h) **Prohibition on similar citations.**--A person may not be charged with a violation of section 3316 (relating to prohibiting text-based communications) concurrently with a violation of subsection (a) for an offense committed at the same time and place.

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

"Driving." Operating a motor vehicle on a highway, including while the motor vehicle is temporarily stationary because of traffic, a traffic control device or other momentary delay. The term does not include operating a motor vehicle if the driver moved the vehicle to the side of or off of a highway and halted in a location where the vehicle can safely remain stationary.

"Use an interactive mobile device." As follows:

(1) Using at least one hand to hold, or supporting with another part of the body, an interactive mobile device.

(2) Dialing or answering an interactive mobile device by pressing more than a single button.

(3) Reaching for an interactive mobile device in a manner that requires a driver to maneuver so that the driver is no longer in a seated driving position, restrained by a seat belt that is installed in accordance with 49 CFR 393.93 (relating to seats, seat belt assemblies, and seat belt assembly anchorages) and adjusted in accordance with the vehicle manufacturer's instructions.

Section 6. Sections 3732(b)(1.1) and (3) and 3732.1(b)(2) and (4) of Title 75 are amended to read:

§ 3732. Homicide by vehicle.

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(b) Sentencing.--

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(1.1) In addition to any other penalty provided by law, a person convicted of a violation of subsection (a) who is also convicted of a violation of section 1501 (relating to drivers required to be licensed), 1543 (relating to driving while operating privilege is suspended or revoked), 3316 (relating to prohibiting text-based communications), **3316.1 (relating to prohibiting use of interactive mobile device)**, 3325 (relating to duty of driver on approach of emergency vehicle) or 3327 (relating to duty of driver in emergency response areas and in relation to disabled vehicles) may be sentenced to an additional term not to exceed five years' confinement.

* * *

(3) The Pennsylvania Commission on Sentencing, pursuant to 42 Pa.C.S. § 2154 (relating to adoption of guidelines for sentencing), shall provide for a sentencing enhancement for an offense under this section when the violation occurred in an active work zone or the individual was also convicted of a violation of section 1501, 1543, 3316, **3316.1**, 3325 or 3327.

§ 3732.1. Aggravated assault by vehicle.

* * *

(b) Sentencing.--

* * *

(2) In addition to any other penalty provided by law, a person convicted of a violation of subsection (a) who is also convicted of a violation of section 1501 (relating to drivers required to be licensed), 1543 (relating to driving while operating privilege is suspended or revoked), 3316 (relating to prohibiting text-based communications), **3316.1 (relating to prohibiting use of interactive mobile device)**, 3325 (relating to duty of driver on approach of emergency vehicle) or 3327 (relating to duty of driver in emergency response areas and in relation to disabled

vehicles) may be sentenced to an additional term not to exceed two years' confinement.

* * *

(4) The Pennsylvania Commission on Sentencing, under 42 Pa.C.S. § 2154 (relating to adoption of guidelines for sentencing), shall provide for a sentencing enhancement for an offense under this section when the violation occurred in an active work zone or the individual was also convicted of a violation of section 1501, 1543, 3316, **3316.1**, 3325 or 3327.

Section 7. Title 75 is amended by adding a section to read:
§ 6329. Data collection and reporting relating to traffic stops.

(a) **Data collection.--**Notwithstanding any law to the contrary, a Pennsylvania State Police officer or a local police officer shall collect, in a form and manner determined by the Pennsylvania State Police, the following information for any self-initiated traffic stop made under this title as authorized under section 6308 (relating to investigation by police officers):

- (1) The reason for the traffic stop.
- (2) The perceived race and ethnicity of the driver subject to the traffic stop.
- (3) The gender and age of the driver subject to the traffic stop.
- (4) Whether a search was initiated, including a search of a vehicle or the vehicle operator or passengers, and, if a search was initiated, whether the search was conducted with the consent of the operator or passengers.
- (5) The results of a search.
- (6) Whether the traffic stop or subsequent search resulted in a warning, citation, arrest or other action.
- (7) Any additional information the Pennsylvania State Police deems necessary.

(b) **Effect of failure to collect data.--**The failure of a member of the Pennsylvania State Police or a local police officer to collect the data under subsection (a) shall not affect the validity of the underlying traffic stop.

(c) **Report by local police departments.--**On an annual basis, a local police department shall transmit the data collected under subsection (a) by the local police officers employed by the local police department to the Pennsylvania State Police, or a third party designated by the Pennsylvania State Police with experience in the analysis of such data, for the preparation of an annual analysis and report based on the data. Upon receipt of the data, the Pennsylvania State Police or the third party shall immediately make the annual analysis and report, including any aggregate analysis of the data, publicly available by posting the annual analysis and report on a publicly accessible Internet website and transmitting a copy of the annual analysis and report to all of the following:

- (1) The chair and minority chair of the Transportation Committee of the Senate.
- (2) The chair and minority chair of the Transportation committee of the House of Representatives.
- (3) The Pennsylvania Commission on Crime and Delinquency.
- (4) The Pennsylvania Human Relations Commission.

(d) **Guidance and directives.--**The Pennsylvania State Police shall issue guidance to all of the following:

(1) If applicable, a third party designated by the Pennsylvania State Police on the organization and appearance of an analysis and report required under subsection (c).

(2) Each local police department on the required method, manner and schedule for transmitting the data collected under subsection (a) to the Pennsylvania State Police or a third party designated by the Pennsylvania State Police under subsection (c).

(e) Interdepartmental cooperation.--Local police departments may enter into agreements and jointly cooperate for the purpose of developing, sharing or implementing a system that satisfies this section.

(f) Applicability.--

(1) The requirements under this section do not apply to a local police department that, on the effective date of this paragraph, is collecting the data specified in subsection (a), providing the data to a third party for analysis and making the results available to the public.

(2) If a local police department stops collecting the data under subsection (a), providing the data to a third party for analysis or making the results available to the public, the local police department shall be subject to the requirements under this section.

(g) Construction.--Nothing in this section shall be construed to prohibit data collected under this section from being shared with organizations that compile national data statistics. Data collected under subsection (a) shall not be accessible under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

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

"Local police department." A police department that is:

(1) a regional police department that provides police services to more than one municipality pursuant to an agreement or contract and serves a total population of more than 5,000 according to the 2020 Federal decennial census; or

(2) a municipal police department for a municipality with a population of more than 5,000 according to the 2020 Federal decennial census.

"Local police officer." An employee of a local police department who is empowered to:

(1) Enforce 18 Pa.C.S. (relating to crimes and offenses) and this title.

(2) Make traffic stops under section 6308.

"Self-initiated traffic stop." A traffic stop, regardless of the outcome, that was initiated as a result of a reasonable suspicion or probable cause of a violation of traffic or criminal law.

Section 8. This act shall take effect as follows:

(1) This section shall take effect immediately.

(2) The addition of 75 Pa.C.S. § 6329 shall take effect in 18 months.

(3) The remainder of this act shall take effect in 12 months.

APPROVED--The 5th day of June, A.D. 2024.

JOSH SHAPIRO