

§ 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.

(June 5, 2024, P.L.366, No.18, eff. 12 mos.)

2024 Amendment. Act 18 added section 3316.1. The preamble of Act 18 provided that Act 18 may be referred to as Paul Miller's Law.

Cross References. Section 3316.1 is referred to in sections 3316, 3732, 3732.1 of this title.