

## Pennsylvania's Texting-While-Driving Ban

The law prohibits as a primary offense any driver from using an Interactive Wireless Communication Device (IWCD) to send, read or write a text-based communication while his or her vehicle is in motion.

- Defines an IWCD as a wireless phone, personal digital assistant, smartphone, portable or mobile computer or similar devices that can be used for texting, instant messaging, emailing or browsing the Internet.
- Defines a text-based communication as a text message, instant message, email or other written communication composed or received on an IWCD.
- Institutes a \$50 fine for convictions under this section.
- Makes clear that this law supersedes and preempts any local ordinances restricting the use of interactive wireless devices by drivers.

The penalty is a summary offense with a \$50 fine, plus court costs and other fees.

The violation carries no points as a penalty and will not be recorded on the driver record for non-commercial drivers. It will be recorded on commercial drivers' records as a non-sanction violation.

The texting ban does NOT include the use of a GPS device, 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. The law does not authorize the seizure of an IWCD.

## Background, Nationwide Perspective

In 2018, there were 14,202 distracted driver crashes in Pennsylvania, resulting in 65 fatalities.

Today, there are few individuals without an IWCD (cell phone). Numerous studies indicate that texting drivers typically have their eyes diverted from the road longer than any other distraction. Banning drivers from using any IWCD for text-based communications while operating a motor vehicle will help to ensure that their full attention is on the task of driving.

According to the [Governors Highway Safety Association](#):

- **Handheld Cellphone Use:** 21 states, D.C., Puerto Rico, Guam and the U.S. Virgin Islands prohibit **all drivers** from using handheld cellphones while driving. All are **primary enforcement laws** — an officer may cite a driver for using a handheld cellphone without any other traffic offense taking place.
- **All Cellphone Use:** No state bans all cellphone use for all drivers, but 39 states and D.C. ban all cellphone use by **novice drivers**, and 20 states and D.C. prohibit it for **school bus drivers**.
- **Text Messaging:** Washington was the first state to pass a texting ban in 2007. Currently, 48 states, D.C., Puerto Rico, Guam and the U.S. Virgin Islands ban text messaging for all drivers. All but three have primary enforcement. Of the two states without an all-driver texting ban, one prohibits text messaging by **novice drivers**.