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Legal Currents

As a courtesy to our clients, our firm attorneys periodically write about important and interesting legal issues. Clients and prospective clients are welcome to call to discuss those issues or for any legal assistance.

Texting While Driving – Not in Pennsylvania

By: Scott MacNair & Daniel Keane

Beginning on March 8, 2012, it will be illegal to send and receive text messages on your mobile device while driving a vehicle. The new law makes texting while driving a primary offense, which means that police have the authority to pull over and cite drivers who are texting. The law does not apply to drivers who are talking on handheld cellular telephones. Violations of the law carry a \$50 fine plus court costs.

Here are the specifics on the law:

- Prohibits as a primary offense all drivers from using an Interactive Wireless Communication Device (IWCD) to send, read or write a text-based message.
- 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 message 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 fact that texting while driving is a primary offense is significant. In Pennsylvania, if the police have reasonable suspicion to believe that a driver is in violation of the Vehicle Code, and that violation is a primary offense, they may stop the vehicle to investigate further. We expect that this new law will result in an increase in vehicle traffic stops in Pennsylvania.

If you have any questions regarding the new law or any criminal, vehicle code or driver's license matter, please feel free to call Scott MacNair or Daniel Keane at 215-348-1776.

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