

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 163 Session of
2007

INTRODUCED BY WATSON, GEIST, HENNESSEY, YOUNGBLOOD, BASTIAN,
BOYD, CALTAGIRONE, CAPPELLI, CARROLL, CIVERA, DALLY, FRANKEL,
GINGRICH, KILLION, MARSHALL, MARSICO, MELIO, MOYER, MURT,
O'NEILL, RUBLEY, SCAVELLO, SIPTROTH, SONNEY, STEIL, PEIFER,
PICKETT, SWANGER, QUINN, MCGEEHAN, SABATINA, D. O'BRIEN,
J. EVANS, WOJNAROSKI AND HARPER, JANUARY 31, 2007

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 17, 2007

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for junior driver's license, for
3 learners' permits, for suspension of operating privilege and
4 for restraint systems.

5 RESOLVED, THAT THE PART OF THIS ACT THAT LIMITS THE NUMBER OF <—
6 PASSENGERS A JUNIOR DRIVER MAY TRANSPORT IN A MOTOR VEHICLE AT
7 ONE TIME MAY BE REFERRED TO AS LACEY'S LAW IN HONOR OF LACEY
8 GALLAGHER.

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

11 Section 1. Sections 1503(c), 1505(e), 1538(e) and 4581(a)
12 and (b) of Title 75 of the Pennsylvania Consolidated Statutes
13 are amended to read:

14 § 1503. Persons ineligible for licensing; license issuance to
15 minors; junior driver's license.

16 * * *

1 (c) Junior driver's license.--The department may issue a
2 junior driver's license to a person 16 or 17 years of age under
3 rules and regulations adopted by the department and subject to
4 the provisions of this section. A junior driver's license shall
5 automatically become a regular driver's license when the junior
6 driver attains 18 years of age.

7 (1) Except as provided in paragraph (2), no licensed
8 junior driver shall drive a vehicle upon a public highway
9 between 11 p.m. and 5 a.m. unless accompanied by a spouse 18
10 years of age or older, a parent or a person in loco parentis.

11 (2) A licensed junior driver conforming to the
12 requirements of section 1507 (relating to application for
13 driver's license or learner's permit by minor) may drive a
14 vehicle upon a public highway between 11 p.m. and 5 a.m.
15 between the junior driver's home and activity or employment
16 or in the course of the junior driver's activity or
17 employment if the junior driver is a member of a volunteer
18 fire company authorized by the fire chief to engage in
19 fighting fires, is engaged in public or charitable service or
20 is employed and is carrying an affidavit or certificate of
21 authorization signed by the junior driver's fire chief,
22 supervisor or employer indicating the probable schedule of
23 the junior driver's activities. Upon termination of the
24 junior driver's activity or employment, the junior driver
25 shall surrender the affidavit or certificate to the fire
26 chief, supervisor or employer. If the junior driver shall
27 fail to surrender the affidavit or certificate, the employer,
28 fire chief or supervisor shall immediately notify the
29 Pennsylvania State Police.

30 (2.1) Except as set forth in paragraph (2.2) or (2.3), a <—

1 junior driver may not drive a vehicle with more than one
2 passenger under 18 years of age.

3 (2.2) With parental or in loco parentis approval, a
4 junior driver may drive a vehicle with passengers who are
5 siblings or relatives who live in the same dwelling as the
6 junior driver.

7 ~~(2.3) A junior driver may drive a vehicle with~~ <—
8 ~~passengers employed to perform farm labor who are being~~
9 ~~transported between parts of a farm or farms owned or~~
10 ~~operated by the passenger's employer.~~

11 (3) In addition to the other provisions of this title
12 relating to the suspension or revocation of operating
13 privileges, in the event that a licensed junior driver is
14 involved in an accident reportable under section 3746(a) for
15 which the junior driver is partially or fully responsible in
16 the opinion of the department or is convicted of any
17 violation of this title, the department may suspend the
18 operating privileges of the junior driver until the junior
19 driver attains 18 years of age or for a period of time not
20 exceeding 90 days.

21 (4) Any junior driver or other person violating any
22 provision of this subsection is guilty of a summary offense.

23 § 1505. Learners' permits.

24 * * *

25 (e) Authorization to test for driver's license and junior
26 driver's license.--A person with a learner's permit is
27 authorized to take the examination for a regular or junior
28 driver's license for the class of vehicle for which a permit is
29 held. Before a person under the age of 18 years may take the
30 examination for a junior driver's license, the minor must:

1 (1) Have held a learner's permit for that class of
2 vehicle for a period of six months.

3 (2) Present to the department a certification form
4 signed by the father, mother, guardian, person in loco
5 parentis or spouse of a married minor stating that the minor
6 applicant has completed [50] 65 hours of practical driving
7 experience, including no less than ten hours of nighttime
8 driving and five hours of inclement weather driving,
9 accompanied as required under subsection (b). Submission of a
10 certification shall not subject the parent, guardian, person
11 in loco parentis or spouse of a married minor to any
12 liability based upon the certification.

13 (3) Have the certification form completed when the minor
14 is ready for the licensing examination. The certification
15 form shall be developed by the department and will be
16 provided by the department when the original application for
17 a learner's permit is processed. The department will make
18 this form readily available through the mail or electronic
19 means.

20 * * *

21 § 1538. School, examination or hearing on accumulation of
22 points or excessive speeding.

23 * * *

24 (e) Additional suspension of operating privilege.--

25 (1) In addition to any other provisions of law relating
26 to the suspension or revocation of operating privileges, a
27 person's operating privileges shall be suspended under any of
28 the following circumstances:

29 (i) Prior to reaching age 18, the person violates
30 section 3362 (relating to maximum speed limits) by

1 traveling 26 miles per hour or more over the posted speed
2 limit and the violation results in a conviction, guilty
3 plea or plea of no contest before or after the person
4 reaches age 18.

5 (ii) The person accumulates six or more points under
6 the provisions of section 1535 (relating to schedule of
7 convictions and points) and the violations resulting in
8 points accumulation were committed before the person
9 reached age 18.

10 (2) The first suspension under paragraph (1) shall be
11 for a period of 90 days with every subsequent suspension
12 under paragraph (1) to be for a period of 120 days.

13 Suspensions under paragraph (1) shall be imposed
14 consecutively to each other and to any other suspension. A
15 suspension under paragraph (1) shall be considered a
16 subsequent suspension even if it is imposed contemporaneously
17 with a first suspension imposed under paragraph (1). A
18 suspension under this paragraph shall be in lieu of a
19 suspension under subsection (d)(1).

20 § 4581. Restraint systems.

21 (a) Occupant protection.--

22 (1) Any person who is operating a passenger car, Class I
23 truck, Class II truck, classic motor vehicle, antique motor
24 vehicle or motor home and who transports a child under four
25 years of age anywhere in the motor vehicle, including the
26 cargo area, shall fasten such child securely in a child
27 passenger restraint system, as defined in subsection (d).
28 This subsection shall apply to all persons while they are
29 operators of motor vehicles where a seating position is
30 available which is equipped with a seat safety belt or other

means to secure the systems or where the seating position was originally equipped with seat safety belts.

(1.1) Any person who is operating a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home and who transports a child four years of age or older but under eight years of age anywhere in the motor vehicle, including the cargo area, shall fasten such child securely in a fastened safety seat belt system and in an appropriately fitting child booster seat, as defined in subsection (d). This paragraph shall apply to all persons while they are operators of motor vehicles where a seating position is available which is equipped with a seat safety belt or other means to secure the systems or where the seating position was originally equipped with seat safety belts. [A conviction under this paragraph by State or local law enforcement agencies shall occur only as a secondary action when a driver of a motor vehicle has been convicted of violating any other provision of this title.]

(2) (i) Except for children under [eight] 18 years of age and except as provided in paragraphs (1) and (1.1), each driver and front seat occupant of a passenger car, Class I truck, Class II truck or motor home operated in this Commonwealth shall wear a properly adjusted and fastened safety seat belt system. [A conviction under this paragraph by State or local law enforcement agencies shall occur only as a secondary action when a driver of a motor vehicle has been convicted of any other provision of this title.]

~~(ii) The driver of a passenger automobile shall secure or cause to be secured in a properly adjusted and~~

1 ~~fastened safety seat belt system any occupant who is~~
2 ~~eight years of age or older and less than 18 years of~~
3 ~~age.~~

4 (II) THE DRIVER OF A PASSENGER AUTOMOBILE WHO IS <—
5 UNDER 18 YEARS OF AGE SHALL SECURE [OR CAUSE] HIMSELF AND
6 CAUSE ANY OCCUPANT WHO IS EIGHT YEARS OF AGE OR OLDER AND
7 UNDER 18 YEARS OF AGE TO BE SECURED IN A PROPERLY
8 ADJUSTED AND FASTENED SAFETY SEAT BELT SYSTEM [ANY
9 OCCUPANT WHO IS EIGHT YEARS OF AGE OR OLDER AND LESS THAN
10 18 YEARS OF AGE].

11 (iii) This paragraph shall not apply to:

12 [(i)] (A) A driver or front seat occupant of any
13 vehicle manufactured before July 1, 1966.

14 [(ii)] (B) A driver or front seat occupant who
15 possesses a written verification from a physician
16 that he is unable to wear a safety seat belt system
17 for physical or medical reasons, or from a
18 psychiatrist or other specialist qualified to make an
19 informed judgment that he is unable to wear a safety
20 seat belt system for psychological reasons.

21 [(iii)] (C) A rural letter carrier while
22 operating any motor vehicle during the performance of
23 his duties as a United States postal service rural
24 letter carrier only between the first and last
25 delivery points.

26 [(iv)] (D) A driver who makes frequent stops and
27 is traveling less than 15 miles per hour for the
28 purpose of delivering goods or services while in the
29 performance of his duties and only between the first
30 and last delivery points.

1 (iv) A violation of this paragraph shall not be
2 subject to the assessment of any points under section
3 1535 (relating to schedule of convictions and points).

4 (3) A driver who is under 18 years of age may not
5 operate a motor vehicle in which the number of passengers
6 exceeds the number of available safety seat belts in the
7 vehicle.

8 (b) Offense.--Anyone who fails to comply with the provisions
9 of subsection (a)(1) or (1.1) shall be guilty of a summary
10 offense with a maximum fine of \$100. The court imposing and
11 collecting any such fines shall transfer the fines thus
12 collected to the State Treasurer for deposit in the Child
13 Passenger Restraint Fund, pursuant to section 4582 (relating to
14 Child Passenger Restraint Fund). Anyone who violates subsection
15 (a)(2) or (3) commits a summary offense and shall, upon
16 conviction, be sentenced to pay a fine of \$10. No person shall
17 be convicted of a violation of subsection [(a)(2)] ~~(a)(2)(i)~~ <—
18 (A)(2) OR (3) unless the person is also convicted of another <—
19 violation of this title which occurred at the same time. No
20 costs as described in 42 Pa.C.S. § 1725.1 (relating to costs)
21 shall be imposed for summary conviction of subsection (a)(2) or
22 (3). Conviction under this subsection shall not constitute a
23 moving violation.

24 * * *

25 Section 2. This act shall take effect in 60 days.