
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 805 Session of
1999

INTRODUCED BY GODSHALL, COLAFELLA, HERSHEY, ORIE, PLATTS,
PRESTON, ROSS AND TIGUE, MARCH 10, 1999

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 10, 1999

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for passenger restraint systems.

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

5 Section 1. Sections 4581(a) and (b) and 4585 of Title 75 of
6 the Pennsylvania Consolidated Statutes are amended to read:

7 § 4581. Restraint systems.

8 (a) Occupant protection.--

9 (1) Any person who is operating a passenger car, Class I
10 truck, Class II truck, classic motor vehicle, antique motor
11 vehicle or motor home and who transports a child under four
12 years of age anywhere in the motor vehicle, including the
13 cargo area, shall fasten such child securely in a child
14 passenger restraint system, as defined in subsection (d).
15 This subsection shall apply to all persons while they are
16 operators of motor vehicles where a seating position is
17 available which is equipped with a seat safety belt or other

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

3 (2) Except for children under four years of age and
4 except as provided in paragraph (1), each driver and front
5 seat occupant of a passenger car, Class I truck, Class II
6 truck or motor home operated in this Commonwealth shall wear
7 a properly adjusted and fastened safety seat belt system. [A
8 conviction under this paragraph by State or local law
9 enforcement agencies shall occur only as a secondary action
10 when a driver of a motor vehicle has been convicted of any
11 other provision of this title.] The driver of a passenger
12 automobile shall secure or cause to be secured in a properly
13 adjusted and fastened safety seat belt system any occupant in
14 the front seat who is four years of age or older and less
15 than 18 years of age. This paragraph shall not apply to:

16 (i) A driver or front seat occupant of any vehicle
17 manufactured before July 1, 1966.

18 (ii) A driver or front seat occupant who possesses a
19 written verification from a physician that he is unable
20 to wear a safety seat belt system for physical or medical
21 reasons, or from a psychiatrist or other specialist
22 qualified to make an informed judgment that he is unable
23 to wear a safety seat belt system for psychological
24 reasons.

25 (iii) A rural letter carrier while operating any
26 motor vehicle during the performance of his duties as a
27 United States postal service rural letter carrier only
28 between the first and last delivery points.

29 (iv) A driver who makes frequent stops and is
30 traveling less than 15 miles per hour for the purpose of

1 delivering goods or services while in the performance of
2 his duties and only between the first and last delivery
3 points.

4 A violation of this paragraph shall not be subject to the
5 assessment of any points under section 1535 (relating to
6 schedule of convictions and points).

7 (b) Offense.--Anyone who fails to comply with the provisions
8 of subsection (a)(1) shall be guilty of a summary offense with a
9 maximum fine of \$25. The court imposing and collecting any such
10 fines shall transfer the fines thus collected to the State
11 Treasurer for deposit in the Child Passenger Restraint Fund,
12 pursuant to section 4582 (relating to Child Passenger Restraint
13 Fund). Anyone who violates subsection (a)(2) commits a summary
14 offense [and shall, upon conviction, be sentenced to pay a fine
15 of \$10. No persons shall be convicted of a violation of
16 subsection (a)(2) unless the person is also convicted of another
17 violation of this title which occurred at the same time. No
18 costs as described in 42 Pa.C.S. § 1725.1 (relating to costs)
19 shall be imposed for summary conviction of subsection (a)(2).
20 Conviction under this subsection shall not constitute a moving
21 violation]. No other fee, fine or court cost shall be imposed
22 for violation of this section.

23 * * *

24 § 4585. Use of information or evidence of violation of
25 subchapter.

26 [The] Except as provided in section 4581(e) (relating to
27 restraint systems), the requirements of this subchapter or
28 evidence of a violation of this subchapter may not be used by an
29 insurer for any purpose.

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