

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 950 Session of  
2003

INTRODUCED BY GODSHALL, E. Z. TAYLOR, ALLEN, ARMSTRONG, HARHAI,  
MACKERETH, REICHLEY, ROHRER, SCAVELLO, SHANER, SURRA AND  
THOMAS, MARCH 20, 2003

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 20, 2003

AN ACT

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

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

5 Section 1. Section 4581(a), (b), (c), (e) and (g) of Title  
6 75 of the Pennsylvania Consolidated Statutes, amended December  
7 23, 2002 (P.L.1982, No.229), are amended to read:

8 § 4581. Restraint systems.

9 (a) Occupant protection.--

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

1 available which is equipped with a seat safety belt or other  
2 means to secure the systems or where the seating position was  
3 originally equipped with seat safety belts.

4 [(1.1) Any person who is operating a passenger car,  
5 Class I truck, Class II truck, classic motor vehicle, antique  
6 motor vehicle or motor home and who transports a child four  
7 years of age or older but under eight years of age anywhere  
8 in the motor vehicle, including the cargo area, shall fasten  
9 such child securely in a fastened safety seat belt system and  
10 in an appropriately fitting child booster seat, as defined in  
11 subsection (d). This paragraph shall apply to all persons  
12 while they are operators of motor vehicles where a seating  
13 position is available which is equipped with a seat safety  
14 belt or other means to secure the systems or where the  
15 seating position was originally equipped with seat safety  
16 belts. A conviction under this paragraph by State or local  
17 law enforcement agencies shall occur only as a secondary  
18 action when a driver of a motor vehicle has been convicted of  
19 violating any other provision of this title.]

20 (2) Except for children under [eight] four years of age  
21 and except as provided in [paragraphs (1) and (1.1)]  
22 paragraph (1), each driver and front seat occupant of a  
23 passenger car, Class I truck, Class II truck or motor home  
24 operated in this Commonwealth shall wear a properly adjusted  
25 and fastened safety seat belt system. [A conviction under  
26 this paragraph by State or local law enforcement agencies  
27 shall occur only as a secondary action when a driver of a  
28 motor vehicle has been convicted of any other provision of  
29 this title.] The driver of a passenger automobile shall  
30 secure or cause to be secured in a properly adjusted and

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

3 This paragraph shall not apply to:

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

6 (ii) A driver or front seat occupant who possesses a  
7 written verification from a physician that he is unable  
8 to wear a safety seat belt system for physical or medical  
9 reasons, or from a psychiatrist or other specialist  
10 qualified to make an informed judgment that he is unable  
11 to wear a safety seat belt system for psychological  
12 reasons.

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

17 (iv) A driver who makes frequent stops and is  
18 traveling less than 15 miles per hour for the purpose of  
19 delivering goods or services while in the performance of  
20 his duties and only between the first and last delivery  
21 points.

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

25 (3) A driver who is under 18 years of age may not  
26 operate a motor vehicle in which the number of passengers  
27 exceeds the number of available safety seat belts in the  
28 vehicle.

29 (b) Offense.--Anyone who fails to comply with the provisions  
30 of [subsection (a)(1) or (1.1) shall be guilty of a summary

1 offense with a maximum fine of \$100. The court imposing and  
2 collecting any such fines shall transfer the fines thus  
3 collected to the State Treasurer for deposit in the Child  
4 Passenger Restraint Fund, pursuant to section 4582 (relating to  
5 Child Passenger Restraint Fund). Anyone who violates subsection  
6 (a)(2) or (3) commits a summary offense and shall, upon  
7 conviction, be sentenced to pay a fine of \$10. No person shall  
8 be convicted of a violation of subsection (a)(2) unless the  
9 person is also convicted of another violation of this title  
10 which occurred at the same time. No costs as described in 42  
11 Pa.C.S. § 1725.1 (relating to costs) shall be imposed for  
12 summary conviction of subsection (a)(2) or (3).] this subsection  
13 commits a summary offense and shall, upon conviction, be  
14 sentenced to pay a fine of \$25. No other fee, fine or court cost  
15 shall be imposed for violation of this section. Conviction under  
16 this subsection shall not constitute a moving violation.

17 (c) Waiver of fine.--If a person receives a citation issued  
18 by the proper authority for violation of subsection (a)(1) [or  
19 (1.1)], a district justice, magistrate or judge shall dismiss  
20 the charges if the person prior to or at his hearing displays  
21 evidence of acquisition of a child passenger restraint system  
22 [or child booster seat] to such district justice, magistrate or  
23 judge. Sufficient evidence shall include a receipt mailed to the  
24 appropriate court officer which evidences purchase, rental,  
25 transferal from another child seat owner (evidenced by notarized  
26 letter) or bailment from a bona fide loaner program of a child  
27 passenger restraint system [or child booster seat].

28 \* \* \*

29 [(e) Civil actions.--In no event shall a violation or  
30 alleged violation of this subchapter be used as evidence in a

1 trial of any civil action; nor shall any jury in a civil action  
2 be instructed that any conduct did constitute or could be  
3 interpreted by them to constitute a violation of this  
4 subchapter; nor shall failure to use a child passenger restraint  
5 system, child booster seat or safety seat belt system be  
6 considered as contributory negligence nor shall failure to use  
7 such a system be admissible as evidence in the trial of any  
8 civil action; nor shall this subchapter impose any legal  
9 obligation upon or impute any civil liability whatsoever to an  
10 owner, employer, manufacturer, dealer or person engaged in the  
11 business of renting or leasing vehicles to the public to equip a  
12 vehicle with a child passenger restraint system or child booster  
13 seat or to have such child passenger restraint system or child  
14 booster seat available whenever their vehicle may be used to  
15 transport a child.]

16 \* \* \*

17 (g) Exemptions.--Exemptions will be allowed if it is  
18 determined, according to the rules and regulations of the  
19 department, that the use of a child passenger restraint system  
20 [or child booster seat] would be impractical for physical  
21 reasons including, but not limited to, medical reasons or size  
22 of the child.

23 \* \* \*

24 Section 2. This act shall take effect in 120 days.