

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 183 Session of
2009

INTRODUCED BY GODSHALL, BEYER, CARROLL, EVERETT, FRANKEL,
GINGRICH, HORNAMAN, KILLION, MUSTIO, PRESTON, SIPTROTH AND
VULAKOVICH, FEBRUARY 2, 2009

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 2, 2009

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 are amended to
7 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
23 the assessment of any points under section 1535 (relating
24 to 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 magisterial district judge, magistrate or judge shall
20 dismiss the charges if the person prior to or at the person's
21 hearing displays evidence of acquisition of a child passenger
22 restraint system [or child booster seat] to such magisterial
23 district judge, magistrate or judge. Sufficient evidence shall
24 include a receipt mailed to the appropriate court officer which
25 evidences purchase, rental, transferal from another child seat
26 owner (evidenced by notarized letter) or bailment from a bona
27 fide loaner program of a child passenger restraint system [or
28 child booster seat].

29 * * *

30 [(e) Civil actions.--In no event shall a violation or

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

17 * * *

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

24 * * *

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