

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1130 Session of 2003

INTRODUCED BY McCALL, BISHOP, CAWLEY, CIVERA, COY, DALEY, DeLUCA, DeWEESE, D. EVANS, FAIRCHILD, GEIST, GRUCELA, HERMAN, JAMES, LAUGHLIN, MACKERETH, MANN, MELIO, S. MILLER, PRESTON, SHANER, STABACK, TANGRETTI, E. Z. TAYLOR, TIGUE, WALKO, WASHINGTON, WATSON, WILLIAMS AND YOUNGBLOOD, APRIL 9, 2003

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 16, 2003

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing FOR LEARNERS' PERMITS, for the
3 Child Passenger Restraint Fund, for a hospital information
4 program, for oral hazard warnings and for civil immunity for
5 lenders of child passenger restraint systems.

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6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Sections 1505, 4582, 4583(a), 4584 and 4586 of
9 Title 75 of the Pennsylvania Consolidated Statutes are amended
10 to read:

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11 § 1505. LEARNERS' PERMITS.

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12 (A) GENERAL RULE.--A PERSON WHO DESIRES TO OBTAIN A DRIVER'S
13 LICENSE OR WHO DESIRES TO BE LICENSED IN A CLASS FOR WHICH THE
14 PERSON IS NOT ALREADY LICENSED SHALL APPLY TO THE DEPARTMENT FOR
15 THE CLASS OR CLASSES OF LICENSE IN WHICH THE PERSON DESIRES TO
16 BE LICENSED. THE DEPARTMENT SHALL ISSUE TO EACH APPLICANT A
17 LEARNER'S PERMIT WHICH SHALL CLEARLY IDENTIFY THE CLASS OF

1 LICENSE APPLIED FOR AS PROVIDED IN SECTION 1504 (RELATING TO
2 CLASSES OF LICENSES).

3 (B) LEARNER MUST BE ACCOMPANIED.--A LEARNER'S PERMIT
4 ENTITLES THE PERSON TO WHOM IT WAS ISSUED TO DRIVE VEHICLES AND
5 COMBINATIONS OF VEHICLES OF THE CLASS OR CLASSES SPECIFIED, BUT
6 ONLY WHILE THE HOLDER OF THE LEARNER'S PERMIT IS ACCOMPANIED BY
7 AND UNDER THE IMMEDIATE SUPERVISION OF A PERSON WHO:

8 (1) IS AT LEAST 21 YEARS OF AGE OR, IF THE SPOUSE OF THE
9 LEARNER'S PERMIT HOLDER, IS AT LEAST 18 YEARS OF AGE; OR, IF
10 A PARENT, GUARDIAN OR PERSON IN LOCO PARENTIS OF THE
11 LEARNER'S PERMIT HOLDER, IS AT LEAST 18 YEARS OF AGE;

12 (2) IS LICENSED [IN THIS COMMONWEALTH] TO DRIVE VEHICLES
13 OF THE CLASS THEN BEING DRIVEN BY THE HOLDER OF THE LEARNER'S
14 PERMIT; AND

15 (3) IS ACTUALLY OCCUPYING A SEAT BESIDE THE HOLDER OF
16 THE LEARNER'S PERMIT UNLESS THE VEHICLE IS A MOTORCYCLE.

17 (C) OPERATION OF MOTORCYCLE.--A MOTORCYCLE LEARNER'S PERMIT
18 ENTITLES THE PERSON TO WHOM IT IS ISSUED TO OPERATE A MOTORCYCLE
19 ONLY BETWEEN SUNRISE AND SUNSET AND, EXCEPT FOR A DRIVER
20 LICENSED TO DRIVE ANOTHER CLASS OF VEHICLE, ONLY WHILE UNDER THE
21 INSTRUCTION AND IMMEDIATE SUPERVISION OF A LICENSED MOTORCYCLE
22 OPERATOR. MOTORCYCLE LEARNERS SHALL NOT CARRY ANY PASSENGER
23 OTHER THAN AN INSTRUCTOR PROPERLY LICENSED TO OPERATE A
24 MOTORCYCLE.

25 (D) DURATION OF PERMIT.--A LEARNER'S PERMIT SHALL BE VALID
26 FOR A PERIOD OF ONE YEAR AFTER DATE OF ISSUE, OR UNTIL THE
27 HOLDER OF THE PERMIT HAS FAILED THE EXAMINATION AS AUTHORIZED IN
28 SECTION 1508 (RELATING TO EXAMINATION OF APPLICANT FOR DRIVER'S
29 LICENSE) THREE TIMES WITHIN THE ONE-YEAR PERIOD.

30 (E) AUTHORIZATION TO TEST FOR DRIVER'S LICENSE AND JUNIOR

1 DRIVER'S LICENSE.--A PERSON WITH A LEARNER'S PERMIT IS
2 AUTHORIZED TO TAKE THE EXAMINATION FOR A REGULAR OR JUNIOR
3 DRIVER'S LICENSE FOR THE CLASS OF VEHICLE FOR WHICH A PERMIT IS
4 HELD. BEFORE A PERSON UNDER THE AGE OF 18 YEARS MAY TAKE THE
5 EXAMINATION FOR A JUNIOR DRIVER'S LICENSE, THE MINOR MUST:

6 (1) HAVE HELD A LEARNER'S PERMIT FOR THAT CLASS OF
7 VEHICLE FOR A PERIOD OF SIX MONTHS.

8 (2) PRESENT TO THE DEPARTMENT A CERTIFICATION FORM
9 SIGNED BY THE FATHER, MOTHER, GUARDIAN, PERSON IN LOCO
10 PARENTIS OR SPOUSE OF A MARRIED MINOR STATING THAT THE MINOR
11 APPLICANT HAS COMPLETED 50 HOURS OF PRACTICAL DRIVING
12 EXPERIENCE ACCOMPANIED AS REQUIRED UNDER SUBSECTION (B).
13 SUBMISSION OF A CERTIFICATION SHALL NOT SUBJECT THE PARENT,
14 GUARDIAN, PERSON IN LOCO PARENTIS OR SPOUSE OF A MARRIED
15 MINOR TO ANY LIABILITY BASED UPON THE CERTIFICATION.

16 (3) HAVE THE CERTIFICATION FORM COMPLETED WHEN THE MINOR
17 IS READY FOR THE LICENSING EXAMINATION. THE CERTIFICATION
18 FORM SHALL BE DEVELOPED BY THE DEPARTMENT AND WILL BE
19 PROVIDED BY THE DEPARTMENT WHEN THE ORIGINAL APPLICATION FOR
20 A LEARNER'S PERMIT IS PROCESSED. THE DEPARTMENT WILL MAKE
21 THIS FORM READILY AVAILABLE THROUGH THE MAIL OR ELECTRONIC
22 MEANS.

23 (F) FILING A FALSE CERTIFICATION.--ANY PERSON WHO KNOWINGLY
24 FILES A FALSE CERTIFICATION COMMITS A SUMMARY OFFENSE UNDER
25 SECTION 6502 (RELATING TO SUMMARY OFFENSES).

26 § 4582. Child Passenger Restraint Fund.

27 A Child Passenger Restraint Fund is established in the
28 General Fund as a special restricted receipts account hereby
29 earmarked for and appropriated to the department. This fund
30 shall consist of all fines deposited pursuant to section 4581(b)

1 (relating to restraint systems), all Federal funds granted for
2 said use and any moneys donated into the fund. All such funds
3 shall be used solely for the purpose of purchasing Federally
4 approved child restraint seats or appropriately fitting child
5 booster seats and making such seats available to qualified
6 loaner programs within the Commonwealth. A qualified loaner
7 program shall be one determined by the department to loan
8 Federally approved child restraint seats or appropriately
9 fitting child booster seats to parents or legal guardians of
10 children under [four] eight years of age who, due to financial
11 or economic hardship, are unable to comply with the provisions
12 of this subchapter. The department shall adopt such regulations
13 as are necessary to effectuate the purpose of this section.

14 § 4583. Hospital information program.

15 (a) Availability of restraint devices.--The hospital, in
16 conjunction with the attending physician, shall provide the
17 parents of any newborn child with any information regarding the
18 availability of loaner or rental programs for child restraint
19 devices or appropriately fitting child booster seats that may be
20 available in the community where the child is born.

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22 [§ 4584. Oral hazard warning.

23 An oral hazard warning shall be given by the State Police or
24 local law enforcement officer to operators of motor vehicles in
25 which children under four years of age are passengers and are
26 not restrained by the use of seat restraints. The officer may
27 advise and urge utilization of seat safety belts that are
28 available in the vehicle and may note that, for children under
29 four years of age, greater protection could be provided by
30 acquiring and utilizing a separate Federally approved child

1 restraint seat. The officer shall notify the parent or legal
2 guardian who is in violation of section 4581 (relating to
3 restraint systems) that, after January 1, 1985, a fine shall be
4 imposed for such violation.]

5 § 4586. Civil immunity for lenders of child passenger restraint
6 systems and booster seats.

7 No person or organization who or which lends to another
8 person or organization a child passenger restraint system or
9 appropriately fitting child booster seats, as described in
10 section 4581 (relating to restraint systems), shall be liable
11 for any civil damages resulting from any acts or omission,
12 except any act or omission intentionally designed to harm, or
13 any grossly negligent act or omission resulting in harm to
14 another.

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