

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2104 Session of  
2001

INTRODUCED BY C. WILLIAMS, BEBKO-JONES, BROWNE, CORRIGAN, CRUZ,  
D. EVANS, FRANKEL, HENNESSEY, HORSEY, MANN, MELIO, PALLONE,  
SHANER, STEELMAN, E. Z. TAYLOR, WASHINGTON, WATSON,  
J. WILLIAMS, G. WRIGHT AND YOUNGBLOOD, OCTOBER 31, 2001

REFERRED TO COMMITTEE ON TRANSPORTATION, OCTOBER 31, 2001

AN ACT

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

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

6 Section 1. Sections 1535(a) and 4581 of Title 75 of the  
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 1535. Schedule of convictions and points.

9 (a) General rule.--A point system for driver education and  
10 control is hereby established which is related to other  
11 provisions for use, suspension and revocation of the operating  
12 privilege as specified under this title. Every driver licensed  
13 in this Commonwealth who is convicted of any of the following  
14 offenses shall be assessed points as of the date of violation in  
15 accordance with the following schedule:

16 Section Number	Offense	Points
17 1512	Violation of restriction on	

1		driver's license.	2
2	1571	Violation concerning license.	3
3	3102	Failure to obey policeman or	
4		authorized person.	2
5	3112(a)(3)(i) or		
6	(ii)	Failure to stop for a red light.	3
7	3114(a)(1)	Failure to stop for a flashing	
8		red light.	3
9	3302	Failure to yield half of roadway	
10		to oncoming vehicle.	3
11	3303	Improper passing.	3
12	3304	Other improper passing.	3
13	3305	Other improper passing.	3
14	3306(a)(1)	Other improper passing.	4
15	3306(a)(2)	Other improper passing.	3
16	3306(a)(3)	Other improper passing.	3
17	3307	Other improper passing.	3
18	3310	Following too closely.	3
19	3321	Failure to yield to driver on the	
20		right at intersection.	3
21	3322	Failure to yield to oncoming	
22		driver when making left turn.	3
23	3323(b)	Failure to stop for stop sign.	3
24	3323(c)	Failure to yield at yield sign.	3
25	3324	Failure to yield when entering or	
26		crossing roadway between inter-	
27		sections.	3
28	3332	Improper turning around.	3
29	3341(a)	Failure to obey signal indicating	
30		approach of train.	2

1	3341(b)	Failure to comply with crossing	
2		gate or barrier.	4
3		(and 30 days' suspension)	
4	3342(b) or (e)	Failure to stop	
5		at railroad crossings.	4
6	3344	Failure to stop when entering from	
7		alley, driveway or building.	3
8	3345(a)	Failure to stop for school bus	
9		with flashing red lights.	5
10		(and 60 days' suspension)	
11	3361	Driving too fast for conditions.	2
12	3362	Exceeding maximum speed.--Over Limit:	
13		6-10	2
14		11-15	3
15		16-25	4
16		26-30	5
17		31-over	5
18		(and departmental hearing	
19		and sanctions provided	
20		under section 1538(d))	
21	3365(b)	Exceeding special speed limit	
22		in school zone.	3
23	3365(c)	Exceeding special speed limit	
24		for trucks on downgrades.	3
25	3542(a)	Failure to yield to pedestrian in	
26		crosswalk.	2
27	3547	Failure to yield to pedestrian on	
28		sidewalk.	3
29	3549(a)	Failure to yield to blind	
30		pedestrian.	3

1	3702	Improper backing.	3
2	3714	Careless driving.	3
3	3745	Leaving scene of accident	
4		involving property damage only.	4
5	<u>4581(a)(1)</u>	<u>A second or subsequent</u>	
6		<u>failure to fasten in child passenger</u>	
7		<u>restraint system.</u>	<u>2</u>
8	<u>4581(a)(1.1)</u>	<u>A second or subsequent</u>	
9		<u>failure to secure child in seat safety</u>	
10		<u>belt and in an appropriate child</u>	
11		<u>booster seat.</u>	<u>2</u>

12 \* \* \*

13 § 4581. Restraint systems.

14 (a) Occupant protection.--

15 (1) Any person who is operating a passenger car, Class I  
16 truck, Class II truck, classic motor vehicle, antique motor  
17 vehicle or motor home and who transports a child [under four  
18 years of age] who is under four years of age or weighs under  
19 40 pounds anywhere in the motor vehicle, including the cargo  
20 area, shall fasten such child securely in a child passenger  
21 restraint system, as defined in subsection (d). This  
22 subsection shall apply to all persons while they are  
23 operators of motor vehicles where a seating position is  
24 available which is equipped with a seat safety belt or other  
25 means to secure the systems or where the seating position was  
26 originally equipped with seat safety belts. A second or  
27 subsequent violation of this paragraph shall be subject to  
28 the assessment of two points under section 1535 (relating to  
29 schedule of convictions and points).

30 (1.1) Any person who is operating a passenger car, Class

1 I truck, Class II truck, classic motor vehicle, antique motor  
2 vehicle or motor home and who transports a child four years  
3 of age or older but under eight years of age and who weighs  
4 at least 40 pounds and less than 80 pounds anywhere in the  
5 motor vehicle, including the cargo area, shall fasten such  
6 child securely in a fastened safety seat belt system and in  
7 an appropriately fitting child booster seat, as defined in  
8 subsection (d). This paragraph shall apply to all persons  
9 while they are operators of motor vehicles where a seating  
10 position is available which is equipped with a seat safety  
11 belt or other means to secure the systems or where the  
12 seating position was originally equipped with seat safety  
13 belts. A second or subsequent violation of this paragraph  
14 shall be subject to the assessment of two points under  
15 section 1535 (relating to schedule of convictions and  
16 points).

17 (2) Except for children [under four years of age] who  
18 are under four years of age or who weigh under 40 pounds, and  
19 children who are four years of age or older but are under  
20 eight years of age and who weigh at least 40 pounds and less  
21 than 80 pounds and except as provided in paragraph (1), each  
22 driver and front seat occupant of a passenger car, Class I  
23 truck, Class II truck or motor home operated in this  
24 Commonwealth shall wear a properly adjusted and fastened  
25 safety seat belt system. A conviction under this paragraph by  
26 State or local law enforcement agencies shall occur only as a  
27 secondary action when a driver of a motor vehicle has been  
28 convicted of any other provision of this title. The driver of  
29 a passenger automobile shall secure or cause to be secured in  
30 a properly adjusted and fastened safety seat belt system any

1 occupant [in the front seat] who is [four] eight years of age  
2 or older and less than 18 years of age. This paragraph shall  
3 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 [\$25] \$100. The court imposing  
2 and 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). Conviction under  
13 this subsection shall not constitute a moving violation.

14 (c) Waiver of fine.--If a person receives a citation issued  
15 by the proper authority for violation of subsection (a)(1) or  
16 (1.1), a district justice, magistrate or judge [shall] may  
17 dismiss the charges if the person prior to or at his hearing  
18 displays evidence of acquisition of a child passenger restraint  
19 system to such district justice, magistrate or judge. Sufficient  
20 evidence shall include a receipt mailed to the appropriate court  
21 officer which evidences purchase, rental, transferal from  
22 another child seat owner (evidenced by notarized letter) or  
23 bailment from a bona fide loaner program of a child passenger  
24 restraint system.

25 (d) Standards.--

26 (1) A child passenger restraint system shall be used as  
27 designated by the manufacturer of the system in motor  
28 vehicles equipped with seat safety belts and shall meet the  
29 Federal Motor Vehicle Safety Standard (49 C.F.R. § 571.213).

30 (2) A child booster seat shall be used as designated by

1     the manufacturer of the system in motor vehicles equipped  
2     with seat safety belts and shall meet the Federal Motor  
3     Vehicle Safety Standard (49 CFR § 571.213) that is designed  
4     to elevate a child to properly sit in a federally approved  
5     safety seat belt system.

6     (e) Civil actions.--In no event shall a violation or alleged  
7 violation of this subchapter be used as evidence in a trial of  
8 any civil action; nor shall any jury in a civil action be  
9 instructed that any conduct did constitute or could be  
10 interpreted by them to constitute a violation of this  
11 subchapter; nor shall failure to use a child passenger restraint  
12 system or safety seat belt system be considered as contributory  
13 negligence nor shall failure to use such a system be admissible  
14 as evidence in the trial of any civil action; nor shall this  
15 subchapter impose any legal obligation upon or impute any civil  
16 liability whatsoever to an owner, employer, manufacturer, dealer  
17 or person engaged in the business of renting or leasing vehicles  
18 to the public to equip a vehicle with a child passenger  
19 restraint system or to have such child passenger restraint  
20 system available whenever their vehicle may be used to transport  
21 a child.

22     (f) Criminal proceedings.--The requirements of this  
23 subchapter or evidence of a violation of this subchapter are not  
24 admissible as evidence in a criminal proceeding except in a  
25 proceeding for a violation of this subchapter. No criminal  
26 proceeding for the crime of homicide by vehicle shall be brought  
27 on the basis of noncompliance with this subchapter.

28     (g) Exemptions.--Exemptions will be allowed if it is  
29 determined, according to the rules and regulations of the  
30 department, that the use of a child passenger restraint system



1 would be impractical for physical reasons including, but not  
2 limited to, medical reasons or size of the child.

3 (h) Insurance.--An insurer may not charge an insured who has  
4 been convicted of a violation of this section a higher premium  
5 for a policy of insurance in whole or in part by reason of that  
6 conviction.

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