

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 697 Session of
2001

INTRODUCED BY WAGNER, BODACK, LOGAN, MUSTO, COSTA, HUGHES,
O'PAKE, KITCHEN AND STACK, MARCH 23, 2001

REFERRED TO TRANSPORTATION, MARCH 23, 2001

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) and (b) of Title 75 of the
6 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

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

(1.1) Except as provided in paragraph (1), each driver and occupant under 18 years of age in a passenger car, Class I truck, Class II truck or motor home operated in this Commonwealth shall wear a properly adjusted and fastened safety seat belt system.

(2) Except [for children under four years of age and except as provided in paragraph (1), each driver and front seat] as provided in paragraphs (1) and (1.1), each driver and occupant of a passenger car, Class I truck, Class II truck or motor home operated in this Commonwealth shall wear a properly adjusted and fastened safety seat belt system. A conviction under this paragraph by State or local law enforcement agencies shall occur only as a secondary action when a driver of a motor vehicle has been convicted of any other provision of this title. The driver of a passenger automobile shall secure or cause to be secured in a properly adjusted and fastened safety seat belt system any occupant in the [front seat who is four years of age or older and less than 18 years of age] vehicle. This paragraph shall not apply to:

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

(ii) A driver or [front seat] occupant of any vehicle who possesses a written verification from a physician that he is unable to wear a safety seat belt system for physical or medical reasons, or from a psychiatrist or other specialist qualified to make an informed judgment that he is unable to wear a safety seat

belt system for psychological reasons.

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

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

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

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

(b) Offense.--

(1) Anyone who fails to comply with the provisions of [subsection (a)(1)] subsections (a)(1) and (a)(1.1) shall be guilty of a summary offense with a maximum fine of \$25. The court imposing and collecting any such fines shall transfer the fines thus collected to the State Treasurer for deposit in the Child Passenger Restraint Fund, pursuant to section 4582 (relating to Child Passenger Restraint Fund).

(2) Anyone who violates subsection (a)(2) or (3) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$10. No person shall be convicted of a violation of subsection (a)(2) unless the person is also convicted of another violation of this title which occurred

1 at the same time. No costs as described in 42 Pa.C.S. §
2 1725.1 (relating to costs) shall be imposed for summary
3 conviction of subsection (a)(2) or (3).

4 (3) Conviction under this subsection shall not
5 constitute a moving violation.

6 * * *

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