

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 161 Session of
1991

INTRODUCED BY HAGARTY, VEON, NAHILL, PRESTON, GEIST, BATTISTO,
TELEK, JOHNSON, GERLACH, COLAIZZO, ALLEN, KUKOVICH, MELIO,
TRELLO, STEELMAN, RUDY, RITTER, CIVERA, BLAUM, SAURMAN,
ARMSTRONG, MICOZZIE, OLASZ, FOX, HERMAN, BUNT, CORNELL,
RICHARDSON, E. Z. TAYLOR, BOYES, ITKIN AND DURHAM,
JANUARY 29, 1991

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
APRIL 23, 1991

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, FURTHER PROVIDING FOR HANDICAPPED PLATES AND <—
3 PLACARDS; requiring pedalcycle helmets for persons five years
4 of age or younger; and providing a penalty.

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

7 ~~Section 1. Title 75 of the Pennsylvania Consolidated~~ <—
8 ~~Statutes is amended by adding a section to read:~~

9 SECTION 1. SECTION 1338(A) AND (C)(1) OF TITLE 75 OF THE <—
10 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

11 § 1338. HANDICAPPED PLATE AND PLACARD.

12 (A) HANDICAPPED PLATE.--ON THE APPLICATION OF ANY PERSON
13 WHO:

14 (1) DOES NOT HAVE FULL USE OF A LEG OR BOTH LEGS, AS
15 EVIDENCED BY THE USE OF A WHEELCHAIR, WALKER, CRUTCHES, QUAD
16 CANE OR OTHER SUCH DEVICE;

1 (2) IS BLIND;
2 (3) IS PHYSICALLY LIMITED BY A CARDIOPULMONARY
3 CONDITION, SUCH AS SEVERE EMPHYSEMA OR CHRONIC BRONCHITIS,
4 RESTRICTING SUBSTANTIALLY HIS MOVEMENTS;
5 (4) DOES NOT HAVE FULL USE OF AN ARM OR BOTH ARMS; [OR]
6 (5) HAS A SEVERE BACK INJURY; OR
7 [(5)] (6) IS A PARENT OR A PERSON IN LOCO PARENTIS OF A
8 PERSON SPECIFIED IN PARAGRAPH (1), (2), (3) [OR (4)], (4) OR
9 (5);

10 THE DEPARTMENT SHALL ISSUE A SPECIAL REGISTRATION PLATE FOR ONE
11 PASSENGER CAR OR OTHER VEHICLE WITH A REGISTERED GROSS WEIGHT OF
12 NOT MORE THAN 9,000 POUNDS, DESIGNATING THE VEHICLE SO LICENSED
13 AS BEING USED BY A HANDICAPPED PERSON. SPECIAL PLATES FOR
14 HANDICAPPED PERSONS MAY ALSO BE ISSUED FOR VEHICLES OPERATED
15 EXCLUSIVELY FOR THE USE AND BENEFIT OF HANDICAPPED PERSONS.

16 * * *

17 (C) PHYSICIAN'S STATEMENT.--

18 (1) ANY PERSON APPLYING FOR A SPECIAL PLATE OR PARKING
19 PLACARD FOR HANDICAPPED PERSONS MUST PRESENT A STATEMENT,
20 CERTIFIED BY A PHYSICIAN LICENSED TO PRACTICE IN THIS
21 COMMONWEALTH OR IN A CONTIGUOUS STATE, THAT THE HANDICAPPED
22 PERSON IS HANDICAPPED AS PROVIDED IN SUBSECTION (A), EXCEPT
23 THAT A PHYSICIAN OR CHIROPRACTOR LICENSED TO PRACTICE IN THIS
24 COMMONWEALTH OR IN A CONTIGUOUS STATE MAY CERTIFY A SEVERE
25 BACK INJURY UNDER SUBSECTION (A)(5).

26 * * *

27 SECTION 2. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:

28 § 3510. Pedalcycle helmets for certain persons.

29 (a) General rule.--No person operating a pedalcycle shall
30 allow any person who is five years of age or younger to ride as

a passenger on a pedalcycle or in a pedalcycle trailer unless
that passenger is wearing a helmet meeting the standards of the
American National Standards Institute or of the Snell Memorial
Foundation's Standards for Protective Headgear for Use in
Bicycling.

(b) Proof of purchase.--The first violation of subsection
(a) by any person may be dismissed by the court if the person
charged produces proof that a helmet meeting the standards
prescribed in subsection (a) has been purchased for use by the
passenger five years of age or younger.

(C) CIVIL ACTIONS.--IN NO EVENT SHALL A VIOLATION OR ALLEGED
VIOLATION OF SUBSECTION (A) BE USED AS EVIDENCE IN A TRIAL OF
ANY CIVIL ACTION; NOR SHALL ANY JURY IN A CIVIL ACTION BE
INSTRUCTED THAT ANY CONDUCT DID CONSTITUTE OR COULD BE
INTERPRETED BY THEM TO CONSTITUTE A VIOLATION OF SUBSECTION (A);
NOR SHALL FAILURE TO USE A PEDALCYCLE HELMET BE CONSIDERED AS
CONTRIBUTORY NEGLIGENCE NOR SHALL FAILURE TO USE A PEDALCYCLE
HELMET BE ADMISSIBLE AS EVIDENCE IN THE TRIAL OF ANY CIVIL
ACTION.

~~(c)~~ (D) Penalty.--Notwithstanding any other provisions of
law, any violation of subsection (a) is punishable by a fine,
including all penalties, assessments and court costs imposed on
the convicted person not to exceed \$50. \$25. PERSONS AGE 17 AND
UNDER SHALL NOT BE SUBJECT TO THE PENALTY PROVISIONS OF THIS
SUBSECTION ON THE FIRST OFFENSE.

~~(d)~~ (E) Definitions.--As used in this section, the term
"wearing a helmet" means having a helmet of good fit fastened
securely upon the head with the helmet straps.

Section 2 3. This act shall take effect in 90 days.