
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

AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES,
JUNE 22, 2004

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for learners' permits, for
3 drivers of emergency vehicles, for the Child Passenger
4 Restraint Fund, for oral hazard warnings and for civil
5 immunity for lenders of child passenger restraint systems.

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

8 ~~Section 1. Section 1505 of Title 75 of the Pennsylvania~~ <—
9 ~~Consolidated Statutes is amended to read:~~

10 SECTION 1. SECTIONS 1505 AND 1607(D) OF TITLE 75 OF THE <—
11 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

12 § 1505. Learners' permits.

13 (a) General rule.--A person who desires to obtain a driver's
14 license or who desires to be licensed in a class for which the
15 person is not already licensed shall apply to the department for
16 the class or classes of license in which the person desires to
17 be licensed. The department shall issue to each applicant a

1 learner's permit which shall clearly identify the class of
2 license applied for as provided in section 1504 (relating to
3 classes of licenses).

4 (b) Learner must be accompanied.--A learner's permit
5 entitles the person to whom it was issued to drive vehicles and
6 combinations of vehicles of the class or classes specified, but
7 only while the holder of the learner's permit is accompanied by
8 and under the immediate supervision of a person who:

9 (1) is at least 21 years of age or, if the spouse of the
10 learner's permit holder, is at least 18 years of age; or, if
11 a parent, guardian or person in loco parentis of the
12 learner's permit holder, is at least 18 years of age;

13 (2) is licensed [in this Commonwealth] to drive vehicles
14 of the class then being driven by the holder of the learner's
15 permit; and

16 (3) is actually occupying a seat beside the holder of
17 the learner's permit unless the vehicle is a motorcycle.

18 (c) Operation of motorcycle.--A motorcycle learner's permit
19 entitles the person to whom it is issued to operate a motorcycle
20 only between sunrise and sunset and, except for a driver
21 licensed to drive another class of vehicle, only while under the
22 instruction and immediate supervision of a licensed motorcycle
23 operator. Motorcycle learners shall not carry any passenger
24 other than an instructor properly licensed to operate a
25 motorcycle.

26 (d) Duration of permit.--A learner's permit shall be valid
27 for a period of one year after date of issue, or until the
28 holder of the permit has failed the examination as authorized in
29 section 1508 (relating to examination of applicant for driver's
30 license) three times within the one-year period.

1 (e) Authorization to test for driver's license and junior
2 driver's license.--A person with a learner's permit is
3 authorized to take the examination for a regular or junior
4 driver's license for the class of vehicle for which a permit is
5 held. Before a person under the age of 18 years may take the
6 examination for a junior driver's license, the minor must:

7 (1) Have held a learner's permit for that class of
8 vehicle for a period of six months.

9 (2) Present to the department a certification form
10 signed by the father, mother, guardian, person in loco
11 parentis or spouse of a married minor stating that the minor
12 applicant has completed 50 hours of practical driving
13 experience accompanied as required under subsection (b).
14 Submission of a certification shall not subject the parent,
15 guardian, person in loco parentis or spouse of a married
16 minor to any liability based upon the certification.

17 (3) Have the certification form completed when the minor
18 is ready for the licensing examination. The certification
19 form shall be developed by the department and will be
20 provided by the department when the original application for
21 a learner's permit is processed. The department will make
22 this form readily available through the mail or electronic
23 means.

24 (f) Filing a false certification.--Any person who knowingly
25 files a false certification commits a summary offense under
26 section 6502 (relating to summary offenses).

27 § 1607. COMMERCIAL DRIVER'S LICENSE QUALIFICATION STANDARDS. <—

28 * * *

29 (D) COMMERCIAL DRIVER LEARNER'S PERMIT.--

30 (1) THE DEPARTMENT SHALL ISSUE A COMMERCIAL DRIVER

1 LEARNER'S PERMIT IN ACCORDANCE WITH SECTION 1505 (RELATING TO
2 LEARNERS' PERMITS).

3 (2) A COMMERCIAL DRIVER LEARNER'S PERMIT IS REQUIRED FOR
4 THE ADDITION OF ENDORSEMENTS AND THE REMOVAL OF RESTRICTIONS
5 ESTABLISHED UNDER THIS CHAPTER, INCLUDING THOSE ESTABLISHED
6 BY REGULATION.

7 (3) BEFORE A PERSON MAY TAKE THE EXAMINATION FOR A
8 COMMERCIAL DRIVER'S LICENSE, THE PERSON MUST HAVE HELD A
9 LEARNER'S PERMIT FOR [30] 15 DAYS FOR THE CLASS OF VEHICLE
10 THE PERSON INTENDS TO DRIVE [AND THE REQUISITE ENDORSEMENTS].

11 Section 2. Section 3105 of Title 75 is amended by adding a
12 subsection to read:

13 § 3105. Drivers of emergency vehicles.

14 * * *

15 (h) Limitations relating to school buses.--Notwithstanding
16 the provisions of subsection (b)(4), the driver of an emergency
17 vehicle shall comply with the provisions of section 3345 <—
18 (relating to meeting or overtaking school bus). VEHICLE SHALL <—
19 COME TO A COMPLETE STOP WHEN A SCHOOL BUS FLASHES ITS RED SIGNAL
20 LIGHTS AND ACTIVATES ITS SIDE STOP SIGNAL ARMS. AFTER STOPPING,
21 THE DRIVER OF THE EMERGENCY VEHICLE MAY PASS THE SCHOOL BUS ONLY
22 AFTER EXERCISING DUE DILIGENCE AND CAUTION FOR THE SAFETY OF THE
23 STUDENTS IN A MANNER THAT WILL NOT RISK THE SAFETY OF THE
24 STUDENTS.

25 Section 3. Sections 4582, 4584 and 4586 of Title 75 are
26 amended to read:

27 § 4582. Child Passenger Restraint Fund.

28 A Child Passenger Restraint Fund is established in the
29 General Fund as a special restricted receipts account hereby
30 earmarked for and appropriated to the department. This fund

1 shall consist of all fines deposited pursuant to section 4581(b)
2 (relating to restraint systems), all Federal funds granted for
3 said use and any moneys donated into the fund. All such funds
4 shall be used solely for the purpose of purchasing Federally
5 approved child restraint seats or appropriately fitting child
6 booster seats and making such seats available to qualified
7 loaner programs within the Commonwealth. A qualified loaner
8 program shall be one determined by the department to loan
9 Federally approved child restraint seats or appropriately
10 fitting child booster seats to parents or legal guardians of
11 children under [four] eight years of age who, due to financial
12 or economic hardship, are unable to comply with the provisions
13 of this subchapter. The department shall adopt such regulations
14 as are necessary to effectuate the purpose of this section.

15 [§ 4584. Oral hazard warning.

16 An oral hazard warning shall be given by the State Police or
17 local law enforcement officer to operators of motor vehicles in
18 which children under four years of age are passengers and are
19 not restrained by the use of seat restraints. The officer may
20 advise and urge utilization of seat safety belts that are
21 available in the vehicle and may note that, for children under
22 four years of age, greater protection could be provided by
23 acquiring and utilizing a separate Federally approved child
24 restraint seat. The officer shall notify the parent or legal
25 guardian who is in violation of section 4581 (relating to
26 restraint systems) that, after January 1, 1985, a fine shall be
27 imposed for such violation.]

28 § 4586. Civil immunity for child passenger safety technicians
29 and lenders of child passenger restraint systems and
30 booster seats.

1 (a) Technician immunity.--A child passenger safety
2 technician or sponsoring organization shall not be civilly
3 liable for an act or omission that occurs solely in the
4 inspection, installation or adjustment of a child passenger
5 restraint system or child booster seat in a motor vehicle or in
6 the giving of advice or assistance regarding the installation or
7 adjustment of a child passenger restraint system or child
8 booster seat in a motor vehicle if:

9 (1) the child passenger safety technician acts in good
10 faith and within the scope of the training for which the
11 technician is currently certified;

12 (2) the act or omission does not constitute gross
13 negligence or willful or wanton misconduct;

14 (3) the inspection, installation or adjustment of the
15 child passenger restraint system or child booster seat or the
16 advice or assistance is provided without fee or charge to the
17 owner or operator of the motor vehicle; and

18 (4) the inspection, installation or adjustment of the
19 child passenger restraint system or child booster seat is not
20 provided in conjunction with the for-profit sale of the child
21 passenger restraint system or child booster seat.

22 (b) Lender immunity.--No person or organization who or which
23 lends to another person or organization a child passenger
24 restraint system or appropriately fitting child booster seats,
25 as described in section 4581 (relating to restraint systems),
26 shall be liable for any civil damages resulting from any acts or
27 omission, except any act or omission intentionally designed to
28 harm, or any grossly negligent act or omission resulting in harm
29 to another.

30 (c) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this
2 subsection:

3 "Child passenger safety technician." An individual who holds
4 a current certification as a child passenger safety technician
5 or technician instructor by the National Highway Traffic Safety
6 Administration of the United States Department of
7 Transportation, the American Automobile Association or other
8 entity designated by the National Highway Traffic Safety
9 Administration.

10 Section 4. This act shall take effect in 60 days.