

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 330 Session of 2011

INTRODUCED BY SHAPIRO, DePASQUALE, MARKOSEK, VEREB, BOBACK, BEAR, BRADFORD, BRENNAN, BRIGGS, CALTAGIRONE, CHRISTIANA, CLYMER, COHEN, CONKLIN, DEASY, DeLUCA, DeWEESE, FABRIZIO, FRANKEL, FREEMAN, GIBBONS, GINGRICH, GROVE, HACKETT, HAHN, HARKINS, HENNESSEY, HESS, HORNAMAN, JOHNSON, JOSEPHS, W. KELLER, KILLION, KORTZ, KOTIK, KULA, MAHONEY, MANN, MARSHALL, MARSICO, MILLARD, MUNDY, MURPHY, MURT, MUSTIO, M. O'BRIEN, O'NEILL, PAYTON, PETRI, QUINN, RAVENSTAHL, READSHAW, REED, SABATINA, SAMUELSON, SANTARSIERO, SCHRODER, K. SMITH, M. SMITH, STABACK, STERN, SWANGER, VULAKOVICH, WAGNER, WATSON AND YOUNGBLOOD, JANUARY 31, 2011

REFERRED TO COMMITTEE ON TRANSPORTATION, JANUARY 31, 2011

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 75
2 (Vehicles) of the Pennsylvania Consolidated Statutes, further
3 providing for Commonwealth portion of fines, etc. and for
4 municipal corporation portion of fines, etc.; defining
5 "interactive wireless communication device"; further
6 providing for junior driver's license, for learners' permits
7 and for suspension of operating privilege; prohibiting use of
8 interactive wireless communication device; and further
9 providing for duty of driver in construction and maintenance
10 areas or on highway safety corridors, for duty of driver in
11 emergency response areas, for accident report forms, for
12 department to compile, tabulate and analyze accident reports,
13 for television equipment, for restraint systems and for
14 applicability and uniformity of title.

15 The General Assembly of the Commonwealth of Pennsylvania
16 declares that the part of this act that limits the number of
17 passengers a junior driver may transport in a motor vehicle at
18 one time may be referred to as Lacey's Law in honor of Lacey
19 Gallagher.

1 The General Assembly of the Commonwealth of Pennsylvania
2 hereby enacts as follows:

3 Section 1. Sections 3571(b) and 3573(b) of Title 42 of the
4 Pennsylvania Consolidated Statutes are amended to read:

5 § 3571. Commonwealth portion of fines, etc.

6 * * *

7 (b) Vehicle offenses.--

8 (1) All fines, forfeited recognizances and other
9 forfeitures imposed, lost or forfeited in connection with
10 matters arising under Chapter 77 of Title 75 (relating to
11 snowmobiles) shall unless otherwise provided in Chapter 77 of
12 Title 75 be payable to the Commonwealth.

13 (2) Except as provided in [paragraph (4)] paragraphs (4)
14 and (5), when prosecution under any other provision of Title
15 75 (relating to vehicles) is the result of State Police
16 action, all fines, forfeited recognizances and other
17 forfeitures imposed, lost or forfeited shall be payable to
18 the Commonwealth, for credit to the Motor License Fund. One-
19 half of the revenue shall be paid to municipalities in the
20 same ratio provided in section 4 of the [act of June 1, 1956
21 (P.L.1944, No.655), relating to partial allocation of liquid
22 fuels and fuel use tax proceeds] act of June 1, 1956 (1955
23 P.L.1944, No.655), referred to as the Liquid Fuels Tax
24 Municipal Allocation Law.

25 (3) Except as provided in paragraph (5) and section 3573
26 (relating to municipal corporation portion of fines, etc.),
27 when prosecution under any other provision of Title 75 is the
28 result of local police action, one-half of all fines,
29 forfeited recognizances and other forfeitures imposed, lost
30 or forfeited shall be payable to the Commonwealth, for credit

1 to the Motor License Fund.

2 (4) When prosecution under 75 Pa.C.S. § 3802 (relating
3 to driving under influence of alcohol or controlled
4 substance) is the result of State Police action, 50% of all
5 fines, forfeited recognizances and other forfeitures imposed,
6 lost or forfeited shall be payable to the Commonwealth, for
7 credit to the Motor License Fund, and 50% shall be payable to
8 the county which shall be further divided as follows:

9 (i) Fifty percent of the moneys received shall be
10 allocated to the appropriate county authority which
11 implements the county drug and alcohol program to be used
12 solely for the purposes of aiding programs promoting drug
13 abuse and alcoholism prevention, education, treatment and
14 research.

15 (ii) Fifty percent of the moneys received shall be
16 used for expenditures incurred for county jails, prisons,
17 workhouses and detention centers.

18 (5) When prosecution under 75 Pa.C.S. § 3316 (relating
19 to prohibiting use of interactive wireless communication
20 device) is the result of Pennsylvania State Police action,
21 25% of all revenue from fines shall be paid to municipalities
22 in the same ratio provided in section 4 of the Liquid Fuels
23 Tax Municipal Allocation Law, and 75% of the revenue from the
24 fines shall be allocated and are appropriated on a continuing
25 basis to the Department of Transportation for Statewide
26 public education and awareness programs to combat distracted
27 driving and driving under the influence and promote awareness
28 under 75 Pa.C.S. § 3316(f).

29 * * *

30 § 3573. Municipal corporation portion of fines, etc.

1 * * *

2 (b) Vehicle offenses.--

3 (1) When prosecution under the provisions of Title 75
4 (relating to vehicles) for parking is the result of local
5 police action, all fines, forfeited recognizances and other
6 forfeitures imposed, lost or forfeited shall be payable to
7 the municipal corporation under which the local police are
8 organized.

9 (2) Except as provided in [paragraph (3)] paragraphs (3)
10 and (4), when prosecution under any other provision of Title
11 75 (except Chapter 77 (relating to snowmobiles)) is the
12 result of local police action, one-half of all fines,
13 forfeited recognizances and other forfeitures imposed, lost
14 or forfeited shall be payable to the municipal corporation
15 under which the local police are organized.

16 (3) When prosecution under 75 Pa.C.S. § 3802 (relating
17 to driving under influence of alcohol or controlled
18 substance) is the result of local police action, 50% of all
19 fines, forfeited recognizances and other forfeitures imposed,
20 lost or forfeited shall be payable to the municipal
21 corporation under which the local police are organized, and
22 50% shall be payable to the county which shall be further
23 divided as follows:

24 (i) Fifty percent of the moneys received shall be
25 allocated to the appropriate county authority which
26 implements the county drug and alcohol program to be used
27 solely for the purposes of aiding programs promoting drug
28 abuse and alcoholism prevention, education, treatment and
29 research.

30 (ii) Fifty percent of the moneys received shall be

1 used for expenditures incurred for county jails, prisons,
2 workhouses and detention centers.

3 (4) When prosecution under 75 Pa.C.S. § 3316 (relating
4 to prohibiting use of interactive wireless communication
5 device) is the result of local police action, 25% of all
6 revenue from fines shall be payable to the municipal
7 corporation under which the local police are organized, and
8 75% shall be payable and is appropriated on a continuing
9 basis to the Department of Transportation for Statewide
10 public education and awareness programs to combat driving
11 under the influence and distracted driving as established by
12 75 Pa.C.S. § 3316(f).

13 * * *

14 Section 3. Section 102 of Title 75 is amended by adding a
15 definition to read:

16 § 102. Definitions.

17 Subject to additional definitions contained in subsequent
18 provisions of this title which are applicable to specific
19 provisions of this title, the following words and phrases when
20 used in this title shall have, unless the context clearly
21 indicates otherwise, the meanings given to them in this section:

22 * * *

23 "Interactive wireless communication device." A wireless
24 telephone, personal digital assistant, smart phone, portable or
25 mobile computer, or similar device which can be used for voice
26 communication, texting, e-mailing, browsing the Internet or
27 instant messaging. The term does not include a device being used
28 exclusively as a global positioning or navigation system or a
29 system or device that is physically or electronically integrated
30 into the vehicle.

1 * * *

2 Section 2. Sections 1503(c), 1505(e) and 1538(e) of Title 75
3 are amended to read:

4 § 1503. Persons ineligible for licensing; license issuance to
5 minors; junior driver's license.

6 * * *

7 (c) Junior driver's license.--The department may issue a
8 junior driver's license to a person 16 or 17 years of age under
9 rules and regulations adopted by the department and subject to
10 the provisions of this section. A junior driver's license shall
11 automatically become a regular driver's license when the junior
12 driver attains 18 years of age.

13 (1) Except as provided in paragraph (2), no licensed
14 junior driver shall drive a vehicle upon a public highway
15 between 11 p.m. and 5 a.m. unless accompanied by a spouse 18
16 years of age or older, a parent or a person in loco parentis.

17 (2) A licensed junior driver conforming to the
18 requirements of section 1507 (relating to application for
19 driver's license or learner's permit by minor) may drive a
20 vehicle upon a public highway between 11 p.m. and 5 a.m.
21 between the junior driver's home and activity or employment
22 or in the course of the junior driver's activity or
23 employment if the junior driver is a member of a volunteer
24 fire company authorized by the fire chief to engage in
25 fighting fires, is engaged in public or charitable service or
26 is employed and is carrying an affidavit or certificate of
27 authorization signed by the junior driver's fire chief,
28 supervisor or employer indicating the probable schedule of
29 the junior driver's activities. Upon termination of the
30 junior driver's activity or employment, the junior driver

1 shall surrender the affidavit or certificate to the fire
2 chief, supervisor or employer. If the junior driver shall
3 fail to surrender the affidavit or certificate, the employer,
4 fire chief or supervisor shall immediately notify the
5 Pennsylvania State Police.

6 (2.1) Except as set forth in paragraph (2.2), a junior
7 driver may not drive a vehicle with more than one passenger
8 under 18 years of age.

9 (2.2) With parental or in loco parentis approval, a
10 junior driver may drive a vehicle with passengers who are
11 siblings or relatives who live in the same dwelling as the
12 junior driver.

13 (3) In addition to the other provisions of this title
14 relating to the suspension or revocation of operating
15 privileges, in the event that a licensed junior driver is
16 involved in an accident reportable under section 3746(a) for
17 which the junior driver is partially or fully responsible in
18 the opinion of the department or is convicted of any
19 violation of this title, the department may suspend the
20 operating privileges of the junior driver until the junior
21 driver attains 18 years of age or for a period of time not
22 exceeding 90 days.

23 (4) Any junior driver or other person violating any
24 provision of this subsection is guilty of a summary offense.

25 § 1505. Learners' permits.

26 * * *

27 (e) Authorization to test for driver's license and junior
28 driver's license.--A person with a learner's permit is
29 authorized to take the examination for a regular or junior
30 driver's license for the class of vehicle for which a permit is

1 held. Before a person under the age of 18 years may take the
2 examination for a junior driver's license, the minor must:

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

5 (2) Present to the department a certification form
6 signed by the father, mother, guardian, person in loco
7 parentis or spouse of a married minor stating that the minor
8 applicant has completed [50] 65 hours of practical driving
9 experience, including no less than ten hours of nighttime
10 driving and five hours of inclement weather driving,
11 accompanied as required under subsection (b). Submission of a
12 certification shall not subject the parent, guardian, person
13 in loco parentis or spouse of a married minor to any
14 liability based upon the certification.

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

22 * * *

23 § 1538. School, examination or hearing on accumulation of
24 points or excessive speeding.

25 * * *

26 (e) Additional suspension of operating privilege.--

27 (1) In addition to any other provisions of law relating
28 to the suspension or revocation of operating privileges, a
29 person's operating privileges shall be suspended under any of
30 the following circumstances:

1 (i) Prior to reaching age 18, the person violates
2 section 3362 (relating to maximum speed limits) by
3 traveling 26 miles per hour or more over the posted speed
4 limit and the violation results in a conviction, guilty
5 plea or plea of no contest before or after the person
6 reaches age 18.

7 (ii) The person accumulates six or more points under
8 the provisions of section 1535 (relating to schedule of
9 convictions and points) and the violations resulting in
10 points accumulation were committed before the person
11 reached age 18.

12 (2) The first suspension under paragraph (1) shall be
13 for a period of 90 days with every subsequent suspension
14 under paragraph (1) to be for a period of 120 days.
15 Suspensions under paragraph (1) shall be imposed
16 consecutively to each other and to any other suspension. A
17 suspension under paragraph (1) shall be considered a
18 subsequent suspension even if it is imposed contemporaneously
19 with a first suspension imposed under paragraph (1). A
20 suspension under this paragraph shall be in lieu of a
21 suspension under subsection (d)(1).

22 Section 4. Title 75 is amended by adding a section to read:
23 § 3316. Prohibiting use of interactive wireless communication
24 device.

25 (a) Driver restrictions.--

26 (1) No person shall drive a motor vehicle upon a roadway
27 or trafficway in this Commonwealth while using an interactive
28 wireless communication device for a purpose other than:

29 (i) voice communication through the use of an
30 interactive wireless communications device while in

1 hands-free mode;

2 (ii) reading, selecting or entering a telephone
3 number or name into an interactive wireless communication
4 device for the purpose of voice communication; or

5 (iii) utilizing a global positioning or navigation
6 system.

7 (2) No person with a learner's permit or junior driver's
8 license shall drive a motor vehicle upon a roadway or
9 trafficway in this Commonwealth while using an interactive
10 wireless communication device.

11 (b) Exceptions.--This section shall not apply to:

12 (1) A driver using an interactive wireless communication
13 device to contact a 911 system or wireless E-911 service, as
14 defined in the act of July 9, 1990 (P.L.340, No.78), known as
15 the Public Safety Emergency Telephone Act.

16 (2) A driver using an interactive wireless communication
17 device when the vehicle is stopped due to a traffic
18 obstruction and the motor vehicle transmission is in neutral
19 or park.

20 (3) Operators of emergency vehicles who use an
21 interactive wireless communications device for voice
22 communication for the purpose of responding to an emergency
23 while engaged in the performance of their official duties.

24 (4) Volunteer emergency responders who use an
25 interactive wireless communications device for voice
26 communication for the purpose of responding to an emergency
27 while engaged in the performance of their official duties.

28 (c) Seizure.--The provisions of this section shall not be
29 construed as authorizing the seizure or forfeiture of an
30 interactive wireless communication device.

1 (d) Penalty.--

2 (1) A person who violates subsection (a) commits a
3 summary offense and shall, upon conviction, be sentenced to
4 pay a fine of \$50.

5 (2) A person who violates subsection (a) while passing
6 through a school zone, as defined and provided under the
7 regulations of the department, commits a summary offense and
8 shall, upon conviction, be sentenced to pay a fine of \$100.
9 An official traffic-control device shall indicate the
10 beginning and end of each school zone to traffic approaching
11 in each direction. Establishment of a school zone, including
12 its location and hours of operation, shall be approved by the
13 department.

14 (e) Public education and awareness program.--The department
15 shall develop and maintain Statewide public education and
16 awareness programs to combat distracted driving and driving
17 under the influence and promote awareness of the provisions of
18 this section subject to available funding.

19 (f) Guidelines.--The department shall, in consultation with
20 the Department of Education and the Pennsylvania State Police,
21 promulgate guidelines for the implementation of subsection (e)
22 within six months of the effective date of this section.

23 (g) Insurance.--An insurer may not charge an insured who has
24 been convicted under this section a higher premium for a policy
25 of insurance in whole or in part by reason of that conviction.

26 (h) Department to compile report.--The department shall
27 annually compile and make available to the Transportation
28 Committee of the Senate and the Transportation Committee of the
29 House of Representatives a report detailing the public education
30 efforts to combat distracted driving and driving under the

1 influence and promote awareness of the provisions of this
2 section.

3 (i) Definitions.--As used in this section, the following
4 words and phrases shall have the meanings given to them in this
5 subsection unless the context clearly indicates otherwise:

6 "Hands-free mode." The use of an interactive wireless
7 communications device that allows the user to engage in
8 communication without the use of either hand by means of an
9 internal feature or function or an attachment or device.

10 "Volunteer emergency responder." Any of the following:

11 (1) A member of a volunteer ambulance service as defined
12 in section 102 of the act of July 31, 2003 (P.L.73, No.17),
13 known as the Volunteer Fire Company and Volunteer Ambulance
14 Service Grant Act.

15 (2) A member of a volunteer fire company as defined in
16 section 102 of the Volunteer Fire Company and Volunteer
17 Ambulance Service Grant Act.

18 (3) A member of a volunteer rescue company as defined in
19 section 102 of the Volunteer Fire Company and Volunteer
20 Ambulance Service Grant Act.

21 Section 5. Sections 3326(c), 3327(e) and 3752(a) of Title 75
22 are amended to read:

23 § 3326. Duty of driver in construction and maintenance areas or
24 on highway safety corridors.

25 * * *

26 (c) Fines to be doubled.--For any of the following
27 violations, when committed in an active work zone manned by
28 workers acting in their official capacity or on a highway safety
29 corridor designated under section 6105.1 (relating to
30 designation of highway safety corridors), the fine shall be

1 double the usual amount:

2 Section 3102 (relating to obedience to authorized persons
3 directing traffic).

4 Section 3111 (relating to obedience to traffic-control
5 devices).

6 Section 3112 (relating to traffic-control signals).

7 Section 3114 (relating to flashing signals).

8 Section 3302 (relating to meeting vehicle proceeding in
9 opposite direction).

10 Section 3303 (relating to overtaking vehicle on the
11 left).

12 Section 3304 (relating to overtaking vehicle on the
13 right).

14 Section 3305 (relating to limitations on overtaking on
15 the left).

16 Section 3306 (relating to limitations on driving on left
17 side of roadway).

18 Section 3307 (relating to no-passing zones).

19 Section 3309 (relating to driving on roadways laned for
20 traffic).

21 Section 3310 (relating to following too closely).

22 Section 3316(a) (relating to prohibiting use of
23 interactive wireless communication device).

24 Section 3323 (relating to stop signs and yield signs).

25 Section 3326 (relating to duty of driver in construction
26 and maintenance areas or on highway safety corridors).

27 Section 3361 (relating to driving vehicle at safe speed).

28 Section 3362 (relating to maximum speed limits).

29 Section 3702 (relating to limitations on backing).

30 Section 3714 (relating to careless driving).

1 Section 3736 (relating to reckless driving).

2 Section 3802 (relating to driving under influence of
3 alcohol or controlled substance).

4 * * *

5 § 3327. Duty of driver in emergency response areas.

6 * * *

7 (e) Fines to be doubled.--In addition to any penalty as
8 provided in subsection (b), the fine for any of the following
9 violations when committed in an emergency response area manned
10 by emergency service responders shall be double the usual
11 amount:

12 Section 3102 (relating to obedience to authorized persons
13 directing traffic).

14 Section 3111 (relating to obedience to traffic-control
15 devices).

16 Section 3114 (relating to flashing signals).

17 Section 3302 (relating to meeting vehicle proceeding in
18 opposite direction).

19 Section 3303 (relating to overtaking vehicle on the
20 left).

21 Section 3304 (relating to overtaking vehicle on the
22 right).

23 Section 3305 (relating to limitations on overtaking on
24 the left).

25 Section 3306 (relating to limitations on driving on left
26 side of roadway).

27 Section 3307 (relating to no-passing zones).

28 Section 3310 (relating to following too closely).

29 Section 3312 (relating to limited access highway
30 entrances and exits).

1 Section 3316(a) (relating to prohibiting use of
2 interactive wireless communication device).

3 Section 3323 (relating to stop signs and yield signs).

4 Section 3325 (relating to duty of driver on approach of
5 emergency vehicle).

6 Section 3361 (relating to driving vehicle at safe speed).

7 Section 3707 (relating to driving or stopping close to
8 fire apparatus).

9 Section 3710 (relating to stopping at intersection or
10 crossing to prevent obstruction).

11 Section 3714 (relating to careless driving).

12 Section 3736 (relating to reckless driving).

13 Section 3802 (relating to driving under influence of
14 alcohol or controlled substance).

15 * * *

16 § 3752. Accident report forms.

17 (a) Form and content.--The department shall prepare and upon
18 request supply to all law enforcement agencies and other
19 appropriate agencies or individuals, forms for written accident
20 reports as required in this subchapter suitable with respect to
21 the persons required to make the reports and the purposes to be
22 served. The written report forms shall call for sufficiently
23 detailed information to disclose with reference to a vehicle
24 accident the cause, conditions then existing and the persons and
25 vehicles involved, including whether the driver of the vehicle
26 was using an interactive wireless communication device when the
27 accident occurred, and such other information as the department
28 may require. Reports for use by the drivers and owners shall
29 also provide for information relating to financial
30 responsibility.

1 * * *

2 Section 6. Section 3753 of Title 75 is amended by adding a
3 subsection to read:

4 § 3753. Department to compile, tabulate and analyze accident
5 reports.

6 * * *

7 (b.1) Report on interactive wireless communications
8 devices.--The department shall annually compile and make
9 available to the public information submitted on an accident
10 report concerning interactive wireless communications devices in
11 motor vehicles involved in traffic accidents. The report shall
12 note whether the driver of the motor vehicle was using an
13 interactive wireless communications device when the accident
14 occurred. The data shall be included in a report submitted to
15 the Transportation Committee of the Senate and the
16 Transportation Committee of the House of Representatives.

17 * * *

18 Section 7. Sections 4527, 4581(a) and (b) and 6101 of Title
19 75 are amended to read:

20 § 4527. [Television] Video receiving equipment.

21 (a) General rule.--[No] Except as provided in subsection
22 (c), no person shall drive a motor vehicle [operated on a
23 highway shall be] equipped with [television-type] any image
24 display device, video receiving equipment, including a receiver,
25 a video monitor or a television or video screen capable of
26 displaying a television broadcast or video signal that produces
27 entertainment or business applications or similar equipment
28 which is located in the motor vehicle at any point forward of
29 the back of the driver's seat [or otherwise], or which is
30 visible, directly or indirectly, to the driver while operating

1 the motor vehicle.

2 (a.1) Except as provided in subsection (b), no person may
3 install in a motor vehicle an image display device intended to
4 be visible to a driver in the normal driving position when the
5 vehicle is in motion and when restrained by the safety seat belt
6 system adjusted in accordance with the manufacturer's
7 recommendations.

8 (b) Exception.--This section shall not apply to the
9 following:

10 (1) [Television-type receiving equipment] Image display
11 devices in a vehicle used exclusively for safety or law
12 enforcement purposes as approved by the Pennsylvania State
13 Police.

14 (2) [Electronic displays] Image display devices used in
15 conjunction with in-vehicle navigation systems, related
16 traffic, road and weather information.

17 (3) Image display devices that provide vehicle
18 information related to the driving task or to enhance or
19 supplement the driver's view forward, behind or to the sides
20 of the motor vehicle or permit the driver to monitor vehicle
21 occupants behind the driver.

22 (4) Image display devices that do not display images to
23 the driver while the vehicle is in motion.

24 (5) Image display devices which display an image while a
25 vehicle is parked.

26 (c) Definitions.--As used in this section, the term "image
27 display device" means equipment capable of displaying to the
28 driver of the motor vehicle:

29 (1) a broadcast television image; or

30 (2) a visual image, other than text, from a digital

1 video disc or other storage device.

2 § 4581. Restraint systems.

3 (a) Occupant protection.--

4 (1) Any person who is operating a passenger car, Class I
5 truck, Class II truck, classic motor vehicle, antique motor
6 vehicle or motor home and who transports a child under four
7 years of age anywhere in the motor vehicle, including the
8 cargo area, shall fasten such child securely in a child
9 passenger restraint system, as defined in subsection (d).
10 This subsection shall apply to all persons while they are
11 operators of motor vehicles where a seating position is
12 available which is equipped with a seat safety belt or other
13 means to secure the systems or where the seating position was
14 originally equipped with seat safety belts.

15 (1.1) Any person who is operating a passenger car, Class
16 I truck, Class II truck, classic motor vehicle, antique motor
17 vehicle or motor home and who transports a child four years
18 of age or older but under eight years of age anywhere in the
19 motor vehicle, including the cargo area, shall fasten such
20 child securely in a fastened safety seat belt system and in
21 an appropriately fitting child booster seat, as defined in
22 subsection (d). This paragraph shall apply to all persons
23 while they are operators of motor vehicles where a seating
24 position is available which is equipped with a seat safety
25 belt or other means to secure the systems or where the
26 seating position was originally equipped with seat safety
27 belts. [A conviction under this paragraph by State or local
28 law enforcement agencies shall occur only as a secondary
29 action when a driver of a motor vehicle has been convicted of
30 violating any other provision of this title.]

1 (2) [Except for children under eight years of age and
2 except as provided in paragraphs (1) and (1.1), each]

3 (i) The driver [and front seat occupant] of a
4 passenger car, Class I truck, Class II truck or motor
5 home operated in this Commonwealth shall [wear] secure or
6 cause to be secured in a properly adjusted and fastened
7 safety seat belt system the driver and every vehicle
8 occupant between eight years of age and 18 years of age.

9 [A conviction under this paragraph by State or local law
10 enforcement agencies shall occur only as a secondary
11 action when a driver of a motor vehicle has been
12 convicted of any other provision of this title. The
13 driver of a passenger automobile shall secure or cause to
14 be secured in a properly adjusted and fastened safety
15 seat belt system any occupant who is eight years of age
16 or older and less than 18 years of age.]

17 (ii) Except for children under 18 years of age and
18 except as provided in paragraphs (1) and (1.1) and
19 subparagraph (i), each driver and front seat occupant of
20 a passenger car, Class I truck, Class II truck, classic
21 motor vehicle, antique motor vehicle or motor home
22 operated in this Commonwealth shall wear a properly
23 adjusted and fastened safety seat belt system.

24 (iii) This paragraph shall not apply to:

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

27 [(ii)] (B) A driver or front seat occupant who
28 possesses a written verification from a physician
29 that he is unable to wear a safety seat belt system
30 for physical or medical reasons, or from a

1 psychiatrist or other specialist qualified to make an
2 informed judgment that he is unable to wear a safety
3 seat belt system for psychological reasons.

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

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

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

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

21 (b) Offense.--Anyone who fails to comply with the provisions
22 of subsection (a)(1) or (1.1) shall be guilty of a summary
23 offense with a maximum fine of \$100. The court imposing and
24 collecting any such fines shall transfer the fines thus
25 collected to the State Treasurer for deposit in the Child
26 Passenger Restraint Fund, pursuant to section 4582 (relating to
27 Child Passenger Restraint Fund). Anyone who violates subsection
28 (a)(2) or (3) commits a summary offense and shall, upon
29 conviction, be sentenced to pay a fine of \$10. No person shall
30 be convicted of a violation of subsection (a)(2) or (3) unless

1 the person is also convicted of another violation of this title
2 which occurred at the same time. No costs as described in 42
3 Pa.C.S. § 1725.1 (relating to costs) shall be imposed for
4 summary conviction of subsection (a)(2) or (3). Conviction under
5 this subsection shall not constitute a moving violation.

6 * * *

7 § 6101. Applicability and uniformity of title.

8 The provisions of this title shall be applicable and uniform
9 throughout this Commonwealth and in all political subdivisions
10 in this Commonwealth, and no local authority shall enact or
11 enforce any ordinance on a matter covered by the provisions of
12 this title unless expressly authorized. A person charged with
13 violating an ordinance determined to be enacted or enforced in
14 violation of this section shall be awarded court costs and
15 attorney fees incurred as a result of defending against the
16 charge.

17 Section 8. This act shall take effect in 60 days.