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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 161      Session of  
1991

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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, DURHAM AND BROUJOS,  
JANUARY 29, 1991

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AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JULY 2, 1991

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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.~~ MAKING IT ←  
5 UNLAWFUL TO LEAVE AN UNATTENDED CHILD IN A VEHICLE; AND  
6 PROVIDING PENALTIES.

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

9 Section 1. Section 1338(a) and ~~(e)(1)~~ (B) 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;

17 (2) is blind;

1 (3) is physically limited by a cardiopulmonary  
2 condition, such as severe emphysema or chronic bronchitis,  
3 restricting substantially his movements;

4 (4) does not have full use of an arm or both arms; ~~for~~ <—

5 ~~(5) has a severe back injury; or~~

6 ~~+(5)+ (6)~~ is a parent or a person in loco parentis of a <—  
7 person specified in paragraph (1), (2), (3) ~~for (4)~~, ~~(4) or~~ <—

8 ~~(5); ]~~ <—

9 (1) IS BLIND; <—

10 (2) DOES NOT HAVE FULL USE OF AN ARM OR BOTH ARMS;

11 (3) CANNOT WALK 200 FEET WITHOUT STOPPING TO REST;

12 (4) CANNOT WALK WITHOUT THE USE OF, OR ASSISTANCE FROM,  
13 A BRACE, CANE, CRUTCH, ANOTHER PERSON, PROSTHETIC DEVICE,  
14 WHEELCHAIR OR OTHER ASSISTIVE DEVICE;

15 (5) IS RESTRICTED BY LUNG DISEASE TO SUCH AN EXTENT THAT  
16 THE PERSON'S FORCED (RESPIRATORY) EXPIRATORY VOLUME FOR ONE  
17 SECOND, WHEN MEASURED BY SPIROMETRY, IS LESS THAN ONE LITER  
18 OR THE ARTERIAL OXYGEN TENSION IS LESS THAN 60 MM/HG ON ROOM  
19 AIR AT REST;

20 (6) USES PORTABLE OXYGEN;

21 (7) HAS A CARDIAC CONDITION TO THE EXTENT THAT THE  
22 PERSON'S FUNCTIONAL LIMITATIONS ARE CLASSIFIED IN SEVERITY AS  
23 CLASS III OR CLASS IV ACCORDING TO THE STANDARDS SET BY THE  
24 AMERICAN HEART ASSOCIATION;

25 (8) IS SEVERELY LIMITED IN HIS OR HER ABILITY TO WALK  
26 DUE TO AN ARTHRITIC, NEUROLOGICAL OR ORTHOPEDIC CONDITION; OR

27 (9) IS A PERSON IN LOCO PARENTIS OF A PERSON SPECIFIED  
28 IN PARAGRAPH (1), (2), (3), (4), (5), (6), (7) OR (8);

29 the department shall issue a special registration plate for one  
30 passenger car or other vehicle with a registered gross weight of

1 not more than 9,000 pounds, designating the vehicle so licensed  
2 as being used by a handicapped person. Special plates for  
3 handicapped persons may also be issued for vehicles operated  
4 exclusively for the use and benefit of handicapped persons.

5 \* \* \*

<—

6 ~~(c) Physician's statement.~~

7 ~~(1) Any person applying for a special plate or parking~~  
8 ~~placard for handicapped persons must present a statement,~~  
9 ~~certified by a physician licensed to practice in this~~  
10 ~~Commonwealth or in a contiguous state, that the handicapped~~  
11 ~~person is handicapped as provided in subsection (a), except~~  
12 ~~that a physician or chiropractor licensed to practice in this~~  
13 ~~Commonwealth or in a contiguous state may certify a severe~~  
14 ~~back injury under subsection (a)(5).~~

15 (B) HANDICAPPED PARKING PLACARD.--ON THE INITIAL APPLICATION <—  
16 OR RENEWAL APPLICATION OF ANY PERSON WHO MEETS THE  
17 QUALIFICATIONS OF SUBSECTION (A), THE DEPARTMENT SHALL ISSUE ONE  
18 SPECIAL PARKING PLACARD OF SUCH SIZE AND DESIGN AS THE  
19 DEPARTMENT SHALL SPECIFY, DESIGNATING THE VEHICLE IN WHICH IT IS  
20 DISPLAYED AS BEING USED FOR THE TRANSPORTATION OF A HANDICAPPED  
21 PERSON. [SUCH] WHEN PARKING THE DESIGNATED VEHICLE, THE  
22 HANDICAPPED PARKING PLACARD SHALL BE PROMINENTLY DISPLAYED [ON  
23 THE RIGHT FRONT DASH OF THE VEHICLE WHEN IT IS IN USE FOR THE  
24 TRANSPORTATION OF SUCH PERSON.] IN SUCH A MANNER THAT IT MAY BE  
25 VIEWED FROM THE FRONT AND REAR OF THE VEHICLE BY HANGING IT FROM  
26 THE FRONT WINDSHIELD REARVIEW MIRROR OF A VEHICLE ONLY WHEN THAT  
27 VEHICLE IS UTILIZING A PARKING SPACE RESERVED FOR PERSONS WITH  
28 DISABILITIES. WHEN THERE IS NO REARVIEW MIRROR, OR THE PLACARD  
29 IS NOT DESIGNED IN SUCH A MANNER TO ACCOMMODATE HANGING FROM A  
30 REARVIEW MIRROR, THE PLACARD SHALL BE DISPLAYED ON THE

1 DASHBOARD. PLACARDS MAY ALSO BE ISSUED FOR USE IN VEHICLES WHEN  
2 OPERATED FOR THE USE AND BENEFIT OF HANDICAPPED PERSONS.

3 \* \* \*

4 Section 2. Title 75 is amended by adding ~~a section~~ SECTIONS ←  
5 to read:

6 § 3510. Pedalcycle helmets for certain persons.

7 (a) General rule.--No person operating a pedalcycle shall  
8 allow any person who is five years of age or younger to ride as  
9 a passenger on a pedalcycle unless that passenger is wearing a  
10 helmet meeting the standards of the American National Standards  
11 Institute or of the Snell Memorial Foundation's Standards for  
12 Protective Headgear for Use in Bicycling.

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

18 (c) Civil actions.--In no event shall a violation or alleged  
19 violation of subsection (a) be used as evidence in a trial of  
20 any civil action; nor shall any jury in a civil action be  
21 instructed that any conduct did constitute or could be  
22 interpreted by them to constitute a violation of subsection (a);  
23 nor shall failure to use a pedalcycle helmet be considered as  
24 contributory negligence nor shall failure to use a pedalcycle  
25 helmet be admissible as evidence in the trial of any civil  
26 action.

27 (d) Penalty.--Notwithstanding any other provisions of law,  
28 any violation of subsection (a) is punishable by a fine,  
29 including all penalties, assessments and court costs imposed on  
30 the convicted person not to exceed \$25. Persons age 17 and under

1 shall not be subject to the penalty provisions of this  
2 subsection on the first offense.

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

6 § 3701.1. LEAVING AN UNATTENDED CHILD IN A MOTOR VEHICLE. ←

7 (A) GENERAL RULE.--A PERSON DRIVING OR IN CHARGE OF A MOTOR  
8 VEHICLE MAY NOT PERMIT A CHILD UNDER SIX YEARS OF AGE TO REMAIN  
9 UNATTENDED IN THE VEHICLE WHEN THE MOTOR VEHICLE IS OUT OF THE  
10 PERSON'S SIGHT AND UNDER CIRCUMSTANCES WHICH ENDANGER THE  
11 HEALTH, SAFETY OR WELFARE OF THE CHILD.

12 (B) PENALTY.--A PERSON WHO VIOLATES THIS SECTION COMMITS A  
13 SUMMARY OFFENSE.

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