

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 9

Session of
2011

INTRODUCED BY WATSON, GEIST, TURZAI, CREIGHTON, D. COSTA,
TOEPEL, BOYD, CARROLL, CLYMER, DALEY, DAVIS, DeLUCA,
DIGIROLAMO, EVANKOVICH, J. EVANS, GINGRICH, GRELL, HARHAI,
HARPER, HICKERNELL, JOSEPHS, KAUFFMAN, M.K. KELLER, KILLION,
MAHER, MAJOR, MANN, MARSHALL, MARSICO, MICCARELLI, MILLER,
MILNE, MURT, MUSTIO, PASHINSKI, PETRI, PICKETT, PYLE,
QUIGLEY, QUINN, REICHLLEY, SANTARSIERO, SCAVELLO, SHAPIRO,
STURLA, SWANGER, TALLMAN, VULAKOVICH AND WAGNER,
FEBRUARY 24, 2011

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 24, 2011

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for junior driver's license, for
3 learners' permits, for suspension of operating privilege and
4 for restraint systems.

5 RESOLVED, That the part of this act that limits the number of
6 passengers a junior driver may transport in a motor vehicle at
7 one time may be referred to as Lacey's Law in honor of Lacey
8 Gallagher.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Sections 1503(c), 1505(e) and 4581(a) and (b) of
12 Title 75 of the Pennsylvania Consolidated Statutes are amended
13 to read:

14 § 1503. Persons ineligible for licensing; license issuance to
15 minors; junior driver's license.

1 * * *

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

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

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

1 (2.1) Except as set forth in paragraph (2.2), a junior
2 driver may not drive a vehicle with more than one passenger
3 under 18 years of age.

4 (2.2) With parental or in loco parentis approval, a
5 junior driver may drive a vehicle with passengers who are
6 siblings or relatives who live in the same dwelling as the
7 junior driver.

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

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

20 § 1505. Learners' permits.

21 * * *

22 (e) Authorization to test for driver's license and junior
23 driver's license.--A person with a learner's permit is
24 authorized to take the examination for a regular or junior
25 driver's license for the class of vehicle for which a permit is
26 held. Before a person under the age of 18 years may take the
27 examination for a junior driver's license, the minor must:

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

30 (2) Present to the department a certification form

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

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

17 * * *

18 § 4581. Restraint systems.

19 (a) Occupant protection.--

20 (1) Any person who is operating a passenger car, Class I
21 truck, Class II truck, classic motor vehicle, antique motor
22 vehicle or motor home and who transports a child under four
23 years of age anywhere in the motor vehicle, including the
24 cargo area, shall fasten such child securely in a child
25 passenger restraint system, as defined in subsection (d).
26 This subsection shall apply to all persons while they are
27 operators of motor vehicles where a seating position is
28 available which is equipped with a seat safety belt or other
29 means to secure the systems or where the seating position was
30 originally equipped with seat safety belts.

1 (1.1) Any person who is operating a passenger car, Class
2 I truck, Class II truck, classic motor vehicle, antique motor
3 vehicle or motor home and who transports a child four years
4 of age or older but under eight years of age anywhere in the
5 motor vehicle, including the cargo area, shall fasten such
6 child securely in a fastened safety seat belt system and in
7 an appropriately fitting child booster seat, as defined in
8 subsection (d). This paragraph shall apply to all persons
9 while they are operators of motor vehicles where a seating
10 position is available which is equipped with a seat safety
11 belt or other means to secure the systems or where the
12 seating position was originally equipped with seat safety
13 belts. [A conviction under this paragraph by State or local
14 law enforcement agencies shall occur only as a secondary
15 action when a driver of a motor vehicle has been convicted of
16 violating any other provision of this title.]

17 (2) (i) Except for children under [eight] 18 years of
18 age and except as provided in paragraphs (1) and (1.1),
19 each driver and front seat occupant of a passenger car,
20 Class I truck, Class II truck or motor home operated in
21 this Commonwealth shall wear a properly adjusted and
22 fastened safety seat belt system. [A conviction under
23 this paragraph by State or local law enforcement agencies
24 shall occur only as a secondary action when a driver of a
25 motor vehicle has been convicted of any other provision
26 of this title.]

27 (ii) The driver of a passenger automobile who is
28 under 18 years of age shall secure [or cause] himself and
29 cause any occupant who is eight years of age or older and
30 under 18 years of age to be secured in a properly

1 adjusted and fastened safety seat belt system [any
2 occupant who is eight years of age or older and less than
3 18 years of age].

4 (iii) This paragraph shall not apply to:

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

7 [(ii)] (B) A driver or front seat occupant who
8 possesses a written verification from a physician
9 that he is unable to wear a safety seat belt system
10 for physical or medical reasons, or from a
11 psychiatrist or other specialist qualified to make an
12 informed judgment that he is unable to wear a safety
13 seat belt system for psychological reasons.

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

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

24 (iv) A violation of this paragraph shall not be
25 subject to the assessment of any points under section
26 1535 (relating to schedule of convictions and points).

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

1 (b) Offense.--Anyone who fails to comply with the provisions
2 of subsection (a) (1) or (1.1) shall be guilty of a summary
3 offense with a maximum fine of \$100. The court imposing and
4 collecting any such fines shall transfer the fines thus
5 collected to the State Treasurer for deposit in the Child
6 Passenger Restraint Fund, pursuant to section 4582 (relating to
7 Child Passenger Restraint Fund). Anyone who violates subsection
8 (a) (2) or (3) commits a summary offense and shall, upon
9 conviction, be sentenced to pay a fine of \$10. No person shall
10 be convicted of a violation of subsection [(a) (2)] (a) (2) or (3)
11 unless the person is also convicted of another violation of this
12 title which occurred at the same time. No costs as described in
13 42 Pa.C.S. § 1725.1 (relating to costs) shall be imposed for
14 summary conviction of subsection (a) (2) or (3). Conviction under
15 this subsection shall not constitute a moving violation.

16 * * *

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