

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, REICHLEY, SANTARSIERO, SCAVELLO, SHAPIRO,
STURLA, SWANGER, TALLMAN, VULAKOVICH, WAGNER, YOUNGBLOOD,
COHEN, FLECK, SAYLOR, HENNESSEY AND HORNAMAN,
FEBRUARY 24, 2011

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 3, 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

1 minors; junior driver's license.

2 * * *

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

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

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

1 Pennsylvania State Police.

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

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

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

19 (4) Any junior driver or other person violating any
20 provision of this subsection is guilty of a summary offense.
21 § 1505. Learners' permits.

22 * * *

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

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

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

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

18 * * *

19 § 4581. Restraint systems.

20 (a) Occupant protection.--

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

1 originally equipped with seat safety belts.

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

18 ~~(2) (i) Except~~ (2) [EXCEPT for children under ~~eight~~ ←
19 18 EIGHT years of age and except as provided in ←
20 paragraphs (1) and (1.1), each] (I) THE driver [and ←
21 front seat occupant] of a passenger car, Class I truck, ←
22 Class II truck or motor home operated in this
23 Commonwealth shall [wear] SECURE OR CAUSE TO BE SECURED ←
24 IN a properly adjusted and fastened safety seat belt
25 system ON THE DRIVER, IF UNDER 18 YEARS OF AGE, AND EVERY ←
26 VEHICLE OCCUPANT EIGHT YEARS OF AGE OR OLDER BUT UNDER 18
27 YEARS OF AGE. [A conviction under this paragraph by State
28 or local law enforcement agencies shall occur only as a
29 secondary action when a driver of a motor vehicle has
30 been convicted of any other provision of this title.] ←

1 ~~(ii)~~ The driver of a passenger automobile ~~who is~~ ←
2 ~~under 18 years of age shall secure [or cause] himself and~~
3 ~~cause any occupant who is eight years of age or older and~~
4 ~~under 18 years of age~~ SHALL SECURE OR CAUSE to be secured ←
5 in a properly adjusted and fastened safety seat belt
6 system ~~any occupant who is eight years of age or older~~ ←
7 and less than 18 years of ~~age~~. AGE.] ←

8 (II) EXCEPT FOR CHILDREN UNDER 18 YEARS OF AGE AND
9 EXCEPT AS PROVIDED IN PARAGRAPHS (1) AND (1.1) AND
10 SUBPARAGRAPH (I), EACH DRIVER AND FRONT SEAT OCCUPANT OF
11 A PASSENGER CAR, CLASS I TRUCK, CLASS II TRUCK, CLASSIC
12 MOTOR VEHICLE, ANTIQUE MOTOR VEHICLE OR MOTOR HOME
13 OPERATED IN THIS COMMONWEALTH SHALL WEAR A PROPERLY
14 ADJUSTED AND FASTENED SAFETY SEAT BELT SYSTEM.

15 (iii) This paragraph shall not apply to:

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

18 [(ii)] (B) A driver or front seat occupant who
19 possesses a written verification from a physician
20 that he is unable to wear a safety seat belt system
21 for physical or medical reasons, or from a
22 psychiatrist or other specialist qualified to make an
23 informed judgment that he is unable to wear a safety
24 seat belt system for psychological reasons.

25 [(iii)] (C) A rural letter carrier while
26 operating any motor vehicle during the performance of
27 his duties as a United States postal service rural
28 letter carrier only between the first and last
29 delivery points.

30 [(iv)] (D) A driver who makes frequent stops and

1 is traveling less than 15 miles per hour for the
2 purpose of delivering goods or services while in the
3 performance of his duties and only between the first
4 and last delivery points.

5 (iv) A violation of this paragraph shall not be
6 subject to the assessment of any points under section
7 1535 (relating to schedule of convictions and points).

8 (3) **[A]** NOTWITHSTANDING THE PROVISIONS OF SECTION ←
9 1503(C)(2.1) (RELATING TO PERSONS INELIGIBLE FOR LICENSING;
10 LICENSE ISSUANCE TO MINORS; JUNIOR DRIVER'S LICENSE), A
11 driver who is under 18 years of age may not operate a motor
12 vehicle in which the number of passengers exceeds the number
13 of available safety seat belts in the vehicle.

14 (b) Offense.--Anyone who fails to comply with the provisions
15 of subsection (a)(1) or (1.1) shall be guilty of a summary
16 offense with a maximum fine of \$100. The court imposing and
17 collecting any such fines shall transfer the fines thus
18 collected to the State Treasurer for deposit in the Child
19 Passenger Restraint Fund, pursuant to section 4582 (relating to
20 Child Passenger Restraint Fund). Anyone who violates subsection
21 (a)(2) or (3) commits a summary offense and shall, upon

22 conviction, be sentenced to pay a fine of \$10. No person shall
23 be convicted of a violation of subsection [(a)(2)] ~~(a)(2) or (3)~~ ←

24 (A)(2)(II) unless the person is also convicted of another ←
25 violation of this title which occurred at the same time. No
26 costs as described in 42 Pa.C.S. § 1725.1 (relating to costs)
27 shall be imposed for summary conviction of subsection (a)(2) or
28 (3). Conviction under this subsection shall not constitute a
29 moving violation.

30 * * *

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