

## 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, HORNAMAN AND FARRY,  
FEBRUARY 24, 2011

---

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
MAY 9, 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) [Except for children under eight years of age and  
19 except as provided in paragraphs (1) and (1.1), each] (i)  
20 The driver [and front seat occupant] of a passenger car,  
21 Class I truck, Class II truck or motor home operated in  
22 this Commonwealth shall [wear] secure or cause to be  
23 secured in a properly adjusted and fastened safety seat  
24 belt system on the driver, if under 18 years of age, and  
25 every vehicle occupant eight years of age or older but  
26 under 18 years of age. [A conviction under this paragraph  
27 by State or local law enforcement agencies shall occur  
28 only as a secondary action when a driver of a motor  
29 vehicle has been convicted of any other provision of this  
30 title. The driver of a passenger automobile shall secure

1 or cause to be secured in a properly adjusted and  
2 fastened safety seat belt system any occupant who is  
3 eight years of age or older and less than 18 years of  
4 age.]

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

12 (iii) This paragraph shall not apply to:

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

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

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

27 [(iv)] (D) A driver who makes frequent stops and  
28 is traveling less than 15 miles per hour for the  
29 purpose of delivering goods or services while in the  
30 performance of his duties and only between the first

1 and last delivery points.

2 (iv) A violation of this paragraph shall not be  
3 subject to the assessment of any points under section  
4 1535 (relating to schedule of convictions and points).

5 (3) [A] Notwithstanding the provisions of section  
6 1503(c)(2.1) (relating to persons ineligible for licensing;  
7 license issuance to minors; junior driver's license), a  
8 driver who is under 18 years of age may not operate a motor  
9 vehicle in which the number of passengers exceeds the number  
10 of available safety seat belts in the vehicle.

11 (b) Offense.--Anyone who fails to comply with the provisions  
12 of subsection (a)(1) or (1.1) [shall be guilty of] COMMITTS a ←  
13 summary offense [with a maximum fine of \$100] AND SHALL, UPON ←  
14 CONVICTION, BE SENTENCED TO PAY A FINE OF \$75. The court  
15 imposing and collecting any such fines shall transfer the fines  
16 thus collected to the State Treasurer for deposit in the Child  
17 Passenger Restraint Fund, pursuant to section 4582 (relating to  
18 Child Passenger Restraint Fund). Anyone who violates subsection  
19 (a)(2) or (3) commits a summary offense and shall, upon  
20 conviction, be sentenced to pay a fine of \$10. No person shall  
21 be convicted of a violation of subsection [(a)(2)] (a)(2)(ii)  
22 unless the person is also convicted of another violation of this  
23 title which occurred at the same time. No costs as described in  
24 42 Pa.C.S. § 1725.1 (relating to costs) shall be imposed for  
25 summary conviction of subsection (a)(2) or (3). Conviction under  
26 this subsection shall not constitute a moving violation.

27 \* \* \*

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