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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 314 Session of  
2011

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INTRODUCED BY TOMLINSON, McILHINNEY, ALLOWAY, WAUGH, ERICKSON,  
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WASHINGTON AND GREENLEAF, JANUARY 28, 2011

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AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 22, 2011

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AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, defining "interactive wireless communications  
3 device"; ~~further providing for junior driver's license and~~ ←  
4 ~~for suspension of operating privilege;~~ providing for  
5 prohibiting use of interactive wireless communications  
6 devices while operating motor vehicles; and further providing  
7 for duty of driver in construction and maintenance areas or  
8 on highway safety corridors, for duty of driver in emergency  
9 response areas, for accident report forms, for department to  
10 compile, tabulate and analyze accident reports, for  
11 television equipment ~~and for restraint systems,~~ ←  
12 FOR APPLICABILITY AND UNIFORMITY OF LAW AND FOR DISPOSITION AND  
13 USE OF LIQUID FUELS AND FUELS TAX.

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

19 The General Assembly of the Commonwealth of Pennsylvania  
20 hereby enacts as follows:

21 Section 1. Section 102 of Title 75 of the Pennsylvania

1 Consolidated Statutes is amended by adding a definition to read:

2 § 102. Definitions.

3 Subject to additional definitions contained in subsequent  
4 provisions of this title which are applicable to specific  
5 provisions of this title, the following words and phrases when  
6 used in this title shall have, unless the context clearly  
7 indicates otherwise, the meanings given to them in this section:

8 \* \* \*

9 "Interactive wireless communications device." A wireless  
10 telephone, personal digital assistant, smart phone, portable or  
11 mobile computer or similar device which can be used for voice  
12 communication, texting, e-mailing, browsing the Internet or  
13 instant messaging. The term does not include any of the  
14 following:

15 (1) a device being used exclusively as a global  
16 positioning or navigation system;

17 (2) a system or device that is physically or  
18 electronically integrated into the vehicle; or

19 (3) a communications device that is affixed to a mass  
20 transit vehicle, bus or school bus.

21 \* \* \*

22 ~~Section 2. Sections 1503(c) and 1538(e) of Title 75 are~~ ←  
23 ~~amended to read:~~

24 ~~§ 1503. Persons ineligible for licensing; license issuance to~~  
25 ~~minors; junior driver's license.~~

26 \* \* \*

27 ~~(c) Junior driver's license. The department may issue a~~  
28 ~~junior driver's license to a person 16 or 17 years of age under~~  
29 ~~rules and regulations adopted by the department and subject to~~  
30 ~~the provisions of this section. A junior driver's license shall~~

1 ~~automatically become a regular driver's license when the junior~~  
2 ~~driver attains 18 years of age.~~

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

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

26 ~~(2.1) For the first six months after issuance of the~~  
27 ~~junior driver's license, a junior driver shall not drive a~~  
28 ~~vehicle with more than one passenger under 18 years of age~~  
29 ~~who is not a member of the driver's immediate family unless~~  
30 ~~the junior driver is accompanied by a parent or legal~~

~~guardian. After the expiration of the first six months, a junior driver shall not drive a vehicle with more than three passengers under 18 years of age who are not members of the driver's immediate family unless the junior driver is accompanied by a parent or legal guardian. A junior driver shall not drive a vehicle with more than one passenger under 18 years of age who is not a member of the driver's immediate family unless the junior driver is accompanied by a parent or legal guardian if the junior driver has been involved in an accident reportable under section 3746(a) (relating to immediate notice of accident to police department) for which the junior driver is partially or fully responsible in the opinion of the department or has been convicted of any violation of this title. For purposes of this subsection, a junior driver's immediate family shall include brothers, sisters, stepbrothers or stepsisters of the driver, including adopted or foster children residing in the same household as the junior driver.~~

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

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

1 ~~§ 1538. School, examination or hearing on accumulation of~~  
2 ~~points or excessive speeding.~~

3 ~~\* \* \*~~

4 ~~(e) Additional suspension of operating privilege.~~

5 ~~(1) In addition to any other provisions of law relating~~  
6 ~~to the suspension or revocation of operating privileges, a~~  
7 ~~person's operating privileges shall be suspended under any of~~  
8 ~~the following circumstances:~~

9 ~~(i) Prior to reaching age 18, the person violates~~  
10 ~~section 3362 (relating to maximum speed limits) by~~  
11 ~~traveling 26 miles per hour or more over the posted speed~~  
12 ~~limit and the violation results in a conviction, guilty~~  
13 ~~plea or plea of no contest before or after the person~~  
14 ~~reaches age 18.~~

15 ~~(ii) The person accumulates six or more points under~~  
16 ~~the provisions of section 1535 (relating to schedule of~~  
17 ~~convictions and points) and the violations resulting in~~  
18 ~~points accumulation were committed before the person~~  
19 ~~reached age 18.~~

20 ~~(2) The first suspension under paragraph (1) shall be~~  
21 ~~for a period of 90 days with every subsequent suspension~~  
22 ~~under paragraph (1) to be for a period of 120 days.~~  
23 ~~Suspensions under paragraph (1) shall be imposed~~  
24 ~~consecutively to each other and to any other suspension. A~~  
25 ~~suspension under paragraph (1) shall be considered a~~  
26 ~~subsequent suspension even if it is imposed contemporaneously~~  
27 ~~with a first suspension imposed under paragraph (1). A~~  
28 ~~suspension under this paragraph shall be in lieu of a~~  
29 ~~suspension under subsection (d) (1).~~

30 ~~(3) An insurer shall treat a suspension of a person~~

~~under this subsection the same as a person over 18 years of age for a similar violation for the purpose of automobile insurance and may not increase premiums, impose any surcharge or rate penalty or make any driver record point assignment for automobile insurance in a manner different from that of a person over 18 years of age.~~

Section 3 2. Title 75 is amended by adding a section to read:

§ 3316. Prohibiting use of interactive wireless communications devices.

(a) Prohibition.--

~~(1) Except as otherwise provided under subsection (b), no person shall drive a motor vehicle upon a roadway or trafficway in this Commonwealth while using an interactive wireless communications device for a purpose other than:~~

~~(i) voice communication through the use of an interactive wireless communications device while in hands free mode;~~

~~(ii) reading, selecting or entering a telephone number or name into an interactive wireless communications device for the purpose of voice communication while in hands free mode; or~~

~~(iii) activating or deactivating an interactive wireless communications device for the purpose of voice communication while in hands free mode.~~

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

~~(3) A conviction or detainment under this subsection by~~

~~State or local law enforcement agencies for using an interactive wireless communications device for voice communication shall occur only as a secondary action when a driver of a motor vehicle has been detained or convicted of any other provision of this title.~~

~~(4) State and local law enforcement agencies shall enforce the use of an interactive wireless communications device for texting, e mailing, browsing the Internet or instant messaging as a primary action.~~

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

~~(1) Persons who use an interactive wireless communications device to contact a 511 service or 911 system or wireless E-911 service, as defined in the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act.~~

~~(2) Persons who use an interactive wireless communications device when the vehicle is stopped due to traffic obstruction and the motor vehicle transmission is in neutral or park.~~

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

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

~~(5) Amateur radio operators who use an interactive wireless communications device for voice communication.~~

~~(6) Coroners or deputy coroners who use an interactive~~

1 ~~wireless communications device for voice communication while~~  
2 ~~engaged in the performance of their official duties.~~

3 ~~(c) Seizure. The provisions of this section shall not be~~  
4 ~~construed as authorizing the seizure or forfeiture of an~~  
5 ~~interactive wireless communications device, unless otherwise~~  
6 ~~provided by law.~~

7 ~~(d) Penalty. Any person who violates subsection (a) (1) and~~  
8 ~~(2) commits a summary offense and shall, upon conviction, be~~  
9 ~~sentenced to pay a fine of \$100. A violation of subsection (a)~~  
10 ~~(1) and (2) shall not result in the accumulation of points under~~  
11 ~~this title.~~

12 ~~(e) Definitions. As used in this section, the following~~  
13 ~~words and phrases shall have the meanings given to them in this~~  
14 ~~subsection:~~

15 ~~"Hands free mode." The use of an interactive wireless~~  
16 ~~communications device that allows the user to engage in~~  
17 ~~communication without the use of either hand by means of an~~  
18 ~~internal feature or function or an attachment or device.~~

19 ~~"Volunteer emergency responder." Any of the following:~~

20 ~~(1) a member of a volunteer ambulance service as defined~~  
21 ~~in 35 Pa.C.S. § 7802 (relating to definitions);~~

22 ~~(2) a member of a volunteer fire company as defined in~~  
23 ~~35 Pa.C.S. § 7802; or~~

24 ~~(3) a member of a volunteer rescue company as defined in~~  
25 ~~35 Pa.C.S. § 7802.~~

26 (1) NO DRIVER SHALL OPERATE A MOTOR VEHICLE ON A HIGHWAY ←  
27 OR TRAFFICWAY IN THIS COMMONWEALTH WHILE USING AN INTERACTIVE  
28 WIRELESS COMMUNICATIONS DEVICE TO SEND, READ OR WRITE A TEXT-  
29 BASED COMMUNICATION. A PERSON DOES NOT SEND, READ OR WRITE A  
30 TEXT-BASED COMMUNICATION WHEN READING, SELECTING OR ENTERING

1 A TELEPHONE NUMBER OR NAME IN AN INTERACTIVE WIRELESS  
2 COMMUNICATIONS DEVICE FOR THE PURPOSE OF ACTIVATING OR  
3 DEACTIVATING A VOICE COMMUNICATION.

4 (2) NO DRIVER WITH A LEARNER'S PERMIT OR JUNIOR DRIVER'S  
5 LICENSE SHALL OPERATE A MOTOR VEHICLE ON A HIGHWAY OR  
6 TRAFFICWAY IN THIS COMMONWEALTH WHILE USING AN INTERACTIVE  
7 WIRELESS COMMUNICATIONS DEVICE.

8 (3) A CONVICTION UNDER THIS SUBSECTION BY STATE OR LOCAL  
9 LAW ENFORCEMENT AGENCIES SHALL OCCUR ONLY AS A SECONDARY  
10 ACTION WHEN A DRIVER OF A MOTOR VEHICLE HAS BEEN CONVICTED OF  
11 ANY OTHER PROVISION OF THIS TITLE.

12 (B) EXCEPTIONS.--SUBSECTION (A) SHALL NOT APPLY TO:

13 (1) PERSONS WHO USE AN INTERACTIVE WIRELESS  
14 COMMUNICATIONS DEVICE TO CONTACT A 511 SERVICE OR 911 SYSTEM  
15 TO REPORT AN ACCIDENT OR AN EMERGENCY;

16 (2) OPERATORS OF EMERGENCY VEHICLES WHILE ENGAGED IN THE  
17 PERFORMANCE OF OFFICIAL DUTIES;

18 (3) OPERATORS OF PUBLIC PASSENGER TRANSPORTATION, AS  
19 DEFINED BY 74 PA.C.S. § 1503 (RELATING TO DEFINITIONS), WHILE  
20 ENGAGED IN THE PERFORMANCE OF OFFICIAL DUTIES; OR

21 (4) PERSONS WHO USE AN INTERACTIVE WIRELESS  
22 COMMUNICATIONS DEVICE WHEN THE VEHICLE IS STOPPED AT AN  
23 INTERSECTION OR DUE TO OBSTRUCTION AND THE TRANSMISSION IS IN  
24 NEUTRAL OR PARK.

25 (C) SEIZURE.--THE PROVISIONS OF THIS SECTION SHALL NOT BE  
26 CONSTRUED AS AUTHORIZING THE SEIZURE OR FORFEITURE OF AN  
27 INTERACTIVE WIRELESS COMMUNICATIONS DEVICE, UNLESS OTHERWISE  
28 PROVIDED BY LAW.

29 (D) PENALTY.--A PERSON WHO VIOLATES SUBSECTION (A) COMMITS A  
30 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY

1 A FINE OF \$50.

2 (E) PREEMPTION OF LOCAL ORDINANCES.--IN ACCORDANCE WITH  
3 SECTION 6101 (RELATING TO APPLICABILITY AND UNIFORMITY OF  
4 TITLE), THIS SECTION SUPERSEDES AND PREEMPTS ALL ORDINANCES OF  
5 ANY MUNICIPALITY WITH REGARD TO THE USE OF AN INTERACTIVE  
6 WIRELESS COMMUNICATIONS DEVICE BY THE DRIVER OF A MOTOR VEHICLE.

7 (F) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
8 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
9 SUBSECTION:

10 "511" OR "511 SERVICE." THREE-DIGIT TELECOMMUNICATIONS  
11 DIALING TO ACCESS AN INTELLIGENT TRANSPORTATION SYSTEM TRAVELER  
12 INFORMATION SERVICE PROVIDED IN THIS COMMONWEALTH IN ACCORDANCE  
13 WITH THE FEDERAL COMMUNICATIONS COMMISSION AND THE UNITED STATES  
14 DEPARTMENT OF TRANSPORTATION.

15 "911." THE NUMBER USED BY A PUBLIC AGENCY LOCATED IN WHOLE  
16 OR IN PART WITHIN THIS COMMONWEALTH AUTHORIZED BY LAW TO PROVIDE  
17 EMERGENCY TELEPHONE SERVICE TO ACCESS FIREFIGHTING, LAW  
18 ENFORCEMENT, AMBULANCE, EMERGENCY MEDICAL OR OTHER EMERGENCY  
19 SERVICES.

20 "TEXT-BASED COMMUNICATION." A TEXT MESSAGE, INSTANT MESSAGE,  
21 ELECTRONIC MAIL OR OTHER WRITTEN COMMUNICATION COMPOSED OR  
22 RECEIVED ON AN INTERACTIVE WIRELESS COMMUNICATIONS DEVICE.

23 Section 4 3. Sections 3326(c), 3327(e) and 3752(a) of Title ←  
24 75 are amended to read:

25 § 3326. Duty of driver in construction and maintenance areas or  
26 on highway safety corridors.

27 \* \* \*

28 (c) Fines to be doubled.--For any of the following  
29 violations, when committed in an active work zone manned by  
30 workers acting in their official capacity or on a highway safety

1 corridor designated under section 6105.1 (relating to  
2 designation of highway safety corridors), the fine shall be  
3 double the usual amount:

4 Section 3102 (relating to obedience to authorized persons  
5 directing traffic).

6 Section 3111 (relating to obedience to traffic-control  
7 devices).

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

9 Section 3114 (relating to flashing signals).

10 Section 3302 (relating to meeting vehicle proceeding in  
11 opposite direction).

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

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

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

16 Section 3306 (relating to limitations on driving on left side  
17 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 (relating to prohibiting interactive wireless  
23 communications devices).

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

25 Section 3326 (relating to duty of driver in construction and  
26 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 alcohol  
3 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 left).

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

21 Section 3305 (relating to limitations on overtaking on the  
22 left).

23 Section 3306 (relating to limitations on driving on left side  
24 of roadway).

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

26 Section 3310 (relating to following too closely).

27 Section 3312 (relating to limited access highway entrances  
28 and exits).

29 Section 3316 (relating to prohibiting interactive wireless  
30 communications devices).

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

2 Section 3325 (relating to duty of driver on approach of  
3 emergency vehicle).

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

5 Section 3707 (relating to driving or stopping close to fire  
6 apparatus).

7 Section 3710 (relating to stopping at intersection or  
8 crossing to prevent obstruction).

9 Section 3714 (relating to careless driving).

10 Section 3736 (relating to reckless driving).

11 Section 3802 (relating to driving under influence of alcohol  
12 or controlled substance).

13 \* \* \*

14 § 3752. Accident report forms.

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

29 \* \* \*

30 Section 5 4. Section 3753 of Title 75 is amended by adding a ←

1 subsection to read:

2 § 3753. Department to compile, tabulate and analyze accident  
3 reports.

4 \* \* \*

5 (b.1) Certain reports.--The department shall annually  
6 compile and make available to the public information submitted  
7 on an accident report concerning interactive wireless  
8 communications devices in motor vehicles involved in traffic  
9 accidents. The report shall note whether the driver of the motor  
10 vehicle was using an interactive wireless communications device  
11 when the accident occurred. The department shall biannually  
12 compile and make available to the public information submitted  
13 on an accident report concerning junior drivers with multiple  
14 passengers under 18 years of age and the use of seat belts by  
15 drivers and passengers under 18 years of age in motor vehicles  
16 involved in traffic accidents. The report shall note the number  
17 of passengers under 18 years of age if the driver involved in  
18 the accident was a junior driver and whether drivers and  
19 passengers under 18 years of age utilized a safety belt system.  
20 The data shall be included in a report submitted to the  
21 Transportation Committee of the Senate and the Transportation  
22 Committee of the House of Representatives.

23 \* \* \*

24 Section ~~6~~ 5. Sections 4527 and ~~4581(a) and (b)~~ 6101 of Title ←  
25 75 are amended to read:

26 § 4527. [Television] Video receiving equipment.

27 (a) General rule.--[No] Except as provided in subsection  
28 (b), no person shall drive a motor vehicle [operated on a  
29 highway shall be] equipped with [television-type] any image  
30 display device, video receiving equipment, including a receiver,

1 a video monitor or a television or video screen capable of  
2 displaying a television broadcast or video signal that produces  
3 entertainment or business applications or similar equipment  
4 which is located in the motor vehicle at any point forward of  
5 the back of the driver's seat [or otherwise], or which is  
6 visible, directly or indirectly, to the driver while operating  
7 the motor vehicle.

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

14 (b) Exception.--This section shall not apply to the  
15 following:

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

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

23 (3) Image display devices that provide vehicle  
24 information related to the driving task or to enhance or  
25 supplement the driver's view forward, behind or to the sides  
26 of the motor vehicle or permit the driver to monitor vehicle  
27 occupants behind the driver.

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

30 (5) Image display devices which display an image while a

1 vehicle is parked.

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

5 (1) a broadcast television image; or

6 (2) a visual image, other than text, from a digital  
7 video disc or other storage device.

8 ~~§ 4581. Restraint systems.~~ ←

9 ~~(a) Occupant protection.~~

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

21 ~~(1.1) Any person who is operating a passenger car, Class~~  
22 ~~I truck, Class II truck, classic motor vehicle, antique motor~~  
23 ~~vehicle or motor home and who transports a child four years~~  
24 ~~of age or older but under eight years of age anywhere in the~~  
25 ~~motor vehicle, including the cargo area, shall fasten such~~  
26 ~~child securely in a fastened safety seat belt system and in~~  
27 ~~an appropriately fitting child booster seat, as defined in~~  
28 ~~subsection (d). This paragraph shall apply to all persons~~  
29 ~~while they are operators of motor vehicles where a seating~~  
30 ~~position is available which is equipped with a seat safety~~

1 ~~belt or other means to secure the systems or where the~~  
2 ~~seating position was originally equipped with seat safety~~  
3 ~~belts. [A conviction under this paragraph by State or local~~  
4 ~~law enforcement agencies shall occur only as a secondary~~  
5 ~~action when a driver of a motor vehicle has been convicted of~~  
6 ~~violating any other provision of this title.]~~

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

9 ~~(i) The driver [and front seat occupant] of a~~  
10 ~~passenger car, Class I truck, Class II truck or motor~~  
11 ~~home operated in this Commonwealth shall [wear] secure or~~  
12 ~~cause to be secured in a properly adjusted and fastened~~  
13 ~~safety seat belt system for the driver, if under 18 years~~  
14 ~~of age, and every vehicle occupant eight years of age or~~  
15 ~~older but under 18 years of age. [A conviction under this~~  
16 ~~paragraph by State or local law enforcement agencies~~  
17 ~~shall occur only as a secondary action when a driver of a~~  
18 ~~motor vehicle has been convicted of any other provision~~  
19 ~~of this title. The driver of a passenger automobile shall~~  
20 ~~secure or cause to be secured in a properly adjusted and~~  
21 ~~fastened safety seat belt system any occupant who is~~  
22 ~~eight years of age or older and less than 18 years of~~  
23 ~~age.]~~

24 ~~(ii) Except for children under 18 years of age and~~  
25 ~~except as provided in paragraphs (1) and (1.1) and~~  
26 ~~subparagraph (i), each driver and front seat occupant of~~  
27 ~~a passenger car, Class I truck, Class II truck, classic~~  
28 ~~motor vehicle, antique motor vehicle or motor home~~  
29 ~~operated in this Commonwealth shall wear a properly~~  
30 ~~adjusted and fastened safety seat belt system.~~

1 ~~(iii) This paragraph shall not apply to:~~

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

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

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

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

21 ~~A violation of this paragraph shall not be subject to the~~  
22 ~~assessment of any points under section 1535 (relating to~~  
23 ~~schedule of convictions and points).~~

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

28 ~~(b) Offense. Anyone who fails to comply with the provisions~~  
29 ~~of subsection (a) (1) or (1.1) shall be guilty of a summary~~  
30 ~~offense with a maximum fine of \$100. The court imposing and~~

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

13 \* \* \*

14 § 6101. APPLICABILITY AND UNIFORMITY OF TITLE. ←

15 (A) REQUIREMENT.--THE PROVISIONS OF THIS TITLE SHALL BE  
16 APPLICABLE AND UNIFORM THROUGHOUT THIS COMMONWEALTH AND IN ALL  
17 POLITICAL SUBDIVISIONS IN THIS COMMONWEALTH, AND NO LOCAL  
18 AUTHORITY SHALL ENACT OR ENFORCE ANY ORDINANCE ON A MATTER  
19 COVERED BY THE PROVISIONS OF THIS TITLE UNLESS EXPRESSLY  
20 AUTHORIZED.

21 (B) SANCTIONS.--WHEN A COURT OF COMPETENT JURISDICTION  
22 DETERMINES AND NOTIFIES THE DEPARTMENT THAT AN ORDINANCE ADOPTED  
23 BY A LOCAL AUTHORITY IS IN VIOLATION OF SUBSECTION (A),  
24 COMMENCING 40 DAYS FOLLOWING ENTRY OF A FINAL ORDER, UNLESS AN  
25 APPEAL HAS BEEN TIMELY FILED WITH A COURT OF RECORD, THE  
26 FOLLOWING SANCTIONS APPLY UNTIL THE LOCAL AUTHORITY REPEALS OR  
27 SUBSTANTIALLY AMENDS THE ORDINANCE TO REMOVE THE LANGUAGE THAT  
28 WAS FOUND TO BE IN VIOLATION OF SUBSECTION (A):

29 (1) SUSPENSION OF UNOBLIGATED CAPITAL EXPENDITURES FOR  
30 BRIDGES AND HIGHWAYS.

1           (2) SUSPENSION OF ALLOCATION UNDER THE ACT OF JUNE 1,  
2           1956 (1955 P.L.1944, NO.655), REFERRED TO AS THE LIQUID FUELS  
3           TAX MUNICIPAL ALLOCATION LAW.

4           (3) SUSPENSION OF ALLOCATION AND APPORTIONMENT UNDER  
5           SECTION 9010(C.1) (RELATING TO DISPOSITION AND USE OF TAX).

6           (4) SUSPENSION OF EXPENDITURES FROM THE SPECIAL FUND  
7           INTO WHICH ALLOCATIONS UNDER THE ACT OF JUNE 1, 1956 (1955  
8           P.L.1944, NO.655), REFERRED TO AS THE LIQUID FUELS TAX  
9           MUNICIPAL ALLOCATION LAW, ARE DEPOSITED, UNLESS A CONTRACT  
10          FOR THE WORK THAT IS THE SUBJECT OF THE EXPENDITURE HAS BEEN  
11          FULLY EXECUTED OR THE MONEYS HAVE BEEN OTHERWISE OBLIGATED.

12          (C) SUSPENDED FUNDS.--UPON NOTIFICATION THAT THE LOCAL  
13          AUTHORITY HAS REPEALED OR SUBSTANTIALLY AMENDED THE ORDINANCE TO  
14          REMOVE THE LANGUAGE THAT WAS FOUND TO BE IN VIOLATION OF  
15          SUBSECTION (A), THE DEPARTMENT SHALL IMMEDIATELY END ALL  
16          SANCTIONS AGAINST THE LOCAL AUTHORITY AND RETURN ALL SUSPENDED  
17          FUNDS TO THE LOCAL AUTHORITY.

18          SECTION 6. SECTION 9010(C) INTRODUCTORY PARAGRAPH OF TITLE  
19          75 IS AMENDED AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS  
20          TO READ:

21          § 9010. DISPOSITION AND USE OF TAX.

22           \* \* \*

23          (C) ALLOCATION OF MONEY.--[THE] EXCEPT AS SET FORTH IN  
24          SUBSECTION (C.1), THE COUNTY COMMISSIONERS MAY ALLOCATE AND  
25          APPORTION MONEY FROM THE COUNTY LIQUID FUELS TAX FUND TO THE  
26          POLITICAL SUBDIVISIONS WITHIN THE COUNTY IN THE RATIO AS  
27          PROVIDED IN THIS SUBSECTION. WHEN THE UNENCUMBERED BALANCE IN  
28          THE COUNTY LIQUID FUELS TAX FUND IS GREATER THAN THE RECEIPTS  
29          FOR THE 12 MONTHS IMMEDIATELY PRECEDING THE DATE OF EITHER OF  
30          THE REPORTS, THE COUNTY COMMISSIONERS SHALL NOTIFY THE POLITICAL

1 SUBDIVISIONS TO MAKE APPLICATION WITHIN 90 DAYS FOR  
2 PARTICIPATION IN THE REDISTRIBUTION OF THE UNENCUMBERED BALANCE.  
3 REDISTRIBUTION SHALL BE EFFECTED WITHIN 120 DAYS OF THE DATE OF  
4 EITHER OF THE REPORTS. THE COUNTY COMMISSIONERS MAY DISTRIBUTE  
5 THE UNENCUMBERED BALANCE IN EXCESS OF 50% OF THE RECEIPTS FOR  
6 THE PREVIOUS 12 MONTHS TO THE POLITICAL SUBDIVISIONS MAKING  
7 APPLICATION IN THE FOLLOWING MANNER:

8 \* \* \*

9 (C.1) FORFEITURE.--ALL MONEY ALLOCATED UNDER SUBSECTION (C)  
10 TO A POLITICAL SUBDIVISION WHICH, UNDER SECTION 6109(A)  
11 (RELATING TO SPECIFIC POWERS OF DEPARTMENT AND LOCAL  
12 AUTHORITIES), VIOLATES SECTION 6101(A) (RELATING TO  
13 APPLICABILITY AND UNIFORMITY OF TITLE) SHALL BE WITHHELD BY THE  
14 COUNTY DURING THE PERIOD OF TIME IN WHICH THE MUNICIPALITY IS IN  
15 VIOLATION OF SECTION 6101(A).

16 (C.2) RELEASE FUNDS.--UPON NOTIFICATION THAT THE LOCAL  
17 AUTHORITY HAS REPEALED OR SUBSTANTIALLY AMENDED THE ORDINANCE TO  
18 REMOVE THE LANGUAGE THAT WAS FOUND TO BE IN VIOLATION OF SECTION  
19 6101(A), THE COUNTY SHALL RELEASE THOSE FUNDS WITHHELD BY THE  
20 COUNTY AND DUE THE LOCAL AGENCY.

21 \* \* \*

22 Section 7. This act shall take effect ~~in 60 days~~ AS FOLLOWS: ←

23 (1) THE AMENDMENT OR ADDITION OF 75 PA.C.S. §§ 6101 AND  
24 9101(C) INTRODUCTORY PARAGRAPH AND (C.1) SHALL TAKE EFFECT IN  
25 60 DAYS.

26 (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

27 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 120  
28 DAYS.