

No. 1983-53

## AN ACT

SB 21

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring certain passenger restraint systems.

Recognizing that child passenger restraint systems decrease injuries due to motor vehicle accidents, it is the intent of the General Assembly that use of child passenger restraint systems by Commonwealth motorists be encouraged.

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

Section 1. Chapter 45 of Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a subchapter to read:

SUBCHAPTER E  
CHILD PASSENGER PROTECTION

Sec.

4581. Restraint systems.

4582. Child Passenger Restraint Fund.

4583. Hospital information program.

4584. Oral hazard warning.

4585. Use of information or evidence of violation of subchapter.

§ 4581. Restraint systems.

(a) Child passenger protection.—A parent or legal guardian of a child under four years of age who is operating a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home registered in Pennsylvania and who transports such child anywhere in the motor vehicle, including the cargo area, shall fasten such child securely in a child passenger restraint system, as defined in subsection (d). This subsection shall apply to all parents or legal guardians while they are operators of motor vehicles where a seating position is available which is equipped with a seat safety belt or other means to secure the systems or where the seating position was originally equipped with seat safety belts.

(b) Offense.—Anyone who fails to comply with the provisions of this section shall be guilty of a summary offense with a maximum fine of \$25. The court imposing and collecting any such fines shall transfer the fines thus collected to the State Treasurer for deposit in the Child Passenger Restraint Fund, pursuant to section 4582 (relating to Child Passenger Restraint Fund).

(c) Waiver of fine.—If a person receives a citation issued by the proper authority for violation of this subchapter, a district justice, magistrate or judge shall dismiss the charges if the person prior to or at his hearing displays evidence of acquisition of a child passenger restraint system to such district

justice, magistrate or judge. Sufficient evidence shall include a receipt mailed to the appropriate court officer which evidences purchase, rental, transferal from another child seat owner (evidenced by notarized letter) or bailment from a bona fide loaner program of a child passenger restraint system.

(d) Standards.—A child passenger restraint system shall be used as designated by the manufacturer of the system in motor vehicles equipped with seat safety belts and shall meet the Federal Motor Vehicle Safety Standard (49 C.F.R. § 571.213).

(e) Civil actions.—In no event shall a violation or alleged violation of this subchapter be used as evidence in a trial of any civil action; nor shall any jury in a civil action be instructed that any conduct did constitute or could be interpreted by them to constitute a violation of this subchapter; nor shall failure to use a child passenger restraint system be considered as contributory negligence nor shall failure to use such a system be admissible as evidence in the trial of any civil action; nor shall this subchapter impose any legal obligation upon or impute any civil liability whatsoever to an owner, employer, manufacturer, dealer or person engaged in the business of renting or leasing vehicles to the public to equip a vehicle with a child passenger restraint system or to have such child passenger restraint system available whenever their vehicle may be used to transport a child.

(f) Criminal proceedings.—The requirements of this subchapter or evidence of a violation of this subchapter are not admissible as evidence in a criminal proceeding except in a proceeding for a violation of this subchapter. No criminal proceeding for the crime of homicide by vehicle shall be brought on the basis of noncompliance with this subchapter.

(g) Exemptions.—For any child between the ages of one to four years, a seat safety belt in the rear seat of the motor vehicle may be used in lieu of a child passenger restraint system. Further exemptions will be allowed if it is determined, according to the rules and regulations of the department, that the use of a child passenger restraint system would be impractical for physical reasons including, but not limited to, medical reasons or size of the child.

§ 4582. Child Passenger Restraint Fund.

A Child Passenger Restraint Fund is established in the General Fund as a special restricted receipts account hereby earmarked for and appropriated to the department. This fund shall consist of all fines deposited pursuant to section 4581(b) (relating to restraint systems), all Federal funds granted for said use and any moneys donated into the fund. All such funds shall be used solely for the purpose of purchasing Federally approved child restraint seats and making such seats available to qualified loaner programs within the Commonwealth. A qualified loaner program shall be one determined by the department to loan Federally approved child restraint seats to parents or legal guardians of children under four years of age who, due to financial or economic hardship, are unable to comply with the provisions of this subchapter. The department shall adopt such regulations as are necessary to effectuate the purpose of this section.

§ 4583. Hospital information program.

(a) Availability of restraint devices.—The hospital, in conjunction with the attending physician, shall provide the parents of any newborn child with any information regarding the availability of loaner or rental programs for child restraint devices that may be available in the community where the child is born.

(b) Instruction and education programs.—The department shall provide instructional and educational program material through all current public information channels and to all relevant State and Federally funded, community-based programs for maximum distribution of information about this child passenger protection law.

§ 4584. Oral hazard warning.

An oral hazard warning shall be given by the State Police or local law enforcement officer to operators of motor vehicles in which children under four years of age are passengers and are not restrained by the use of seat restraints. The officer may advise and urge utilization of seat safety belts that are available in the vehicle and may note that, for children under four years of age, greater protection could be provided by acquiring and utilizing a separate Federally approved child restraint seat. The officer shall notify the parent or legal guardian who is in violation of section 4581 (relating to restraint systems) that, after January 1, 1985, a fine shall be imposed for such violation.

§ 4585. Use of information or evidence of violation of subchapter.

The requirements of this subchapter or evidence of a violation of this subchapter may not be used by an insurer for any purpose.

Section 2. (a) Section 4581(b) of Title 75 shall take effect January 1, 1985.

(b) Section 4583 of Title 75 shall take effect in 60 days.

(c) The remainder of this act shall take effect immediately.

APPROVED—The 1st day of November, A. D. 1983.

DICK THORNBURGH