

No. 1987-82

AN ACT

SB 637

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the use of farm truck plates, for driving with suspended or revoked operating privilege, for rear stop lights and for limitations on length of projecting loads; further providing for safety seat belt or restraint systems; and providing for notice of certain penalties for participants in the alcohol highway safety program.

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

Section 1. Section 102 of Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a definition to read:

§ 102. Definitions.

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

* * *

“Safety seat belt system.” Any strap, webbing or similar device designed to secure a person in a motor vehicle in order to mitigate the results of any accident, including buckles, fasteners and all installation hardware as specified by Federal Motor Vehicle Safety Standard No. 209 (49 C.F.R. § 571.209).

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Section 2. Section 1344 of Title 75 is amended to read:

§ 1344. Use of farm truck plates.

(a) General rule.—A truck bearing farm truck registration plates shall be used exclusively upon a farm or farms owned or operated by the registrant of the vehicle or upon highways between:

(1) Parts of one such farm.

(2) Such farms.

(3) Such a farm or farms and a place of business for the purpose of buying or selling agricultural commodities or supplies; ***for the examination of an applicant for a driver's license***; or for the inspection, repair or servicing of the vehicle.

(b) Penalty.—Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50 and shall, upon conviction for a second or subsequent offense, be sentenced to pay a fine of \$200.

Section 3. Section 1543 of Title 75 is amended by adding a subsection to read:

§ 1543. Driving while operating privilege is suspended or revoked.

* * *

(d) Citation of appropriate subsection.—Prior to filing a citation for a violation of this section with the issuing authority named in the citation, the police officer shall verify the basis for the suspension with the department. Upon receiving the verification, the officer shall cite the appropriate subsection of this section on the citation.

Section 4. Sections 1548(b), 1549(b) and 4303(b) of Title 75 are amended to read:

§ 1548. Requirements for driving under influence offenders.

* * *

*(b) Attendance at alcohol highway safety school.—In addition to any other requirements of the court, every person convicted of a violation of section 3731 and every person placed on Accelerated Rehabilitative Disposition or other preliminary disposition as a result of a charge of a violation of section 3731 shall, as a part of sentencing or as a condition of parole, probation or Accelerated Rehabilitative Disposition, be required to attend and successfully complete an approved alcohol highway safety school established pursuant to section 1549 (relating to establishment of schools). **All persons required to participate in this program shall be given both oral and written notice of the provisions of section 1543(b) (relating to driving while operating privilege is suspended or revoked).***

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§ 1549. Establishment of schools.

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*(b) Alcohol highway safety schools.—Each county, multicounty judicial district or group of counties combined under one program shall, in compliance with regulations of the department and the Department of Health, establish and maintain a course of instruction on the problems of alcohol and driving. These regulations shall include, but not be limited to, a uniform curriculum for the course of instruction **[and]**, training and certification requirements for instructors **and provision for the giving of both oral and written notice of the provisions of section 1543(b) (relating to driving while operating privilege is suspended or revoked) to all program participants.***

§ 4303. General lighting requirements.

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*(b) Rear lighting.—Every vehicle operated on a highway shall be equipped with a rear lighting system including, but not limited to, rear lamps, rear reflectors, stop lamps and license plate light, in conformance with regulations of the department. **If a vehicle is equipped with a centrally mounted rear stop light, a decal or overlay may be affixed to the centrally mounted rear stop light if the decal or overlay meets all applicable State and Federal regulations.***

* * *

Section 5. Section 4581 of Title 75 is amended to read:

§ 4581. Restraint systems.

(a) **[Child passenger] Occupant** protection.—**[A parent or legal guardian of a child under four years of age]**

(1) *Any person* 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] a child under four years of age** 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] persons** 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.

(2) *Except for children under four years of age and except as provided in paragraph (1), each driver and front seat occupant of a passenger car, Class I truck, Class II truck or motor home operated in this Commonwealth shall wear a properly adjusted and fastened safety seat belt system. A conviction under this paragraph by State or local law enforcement agencies shall occur only as a secondary action when a driver of a motor vehicle has been convicted of any other provision of this title. The driver of a passenger automobile shall secure or cause to be secured in a properly adjusted and fastened safety seat belt system any occupant in the front seat who is four years of age or older and less than 18 years of age. This paragraph shall not apply to:*

(i) *A driver or front seat occupant of any vehicle manufactured before July 1, 1966.*

(ii) *A driver or front seat occupant who possesses a written verification from a physician that he is unable to wear a safety seat belt system for physical or medical reasons, or from a psychiatrist or other specialist qualified to make an informed judgment that he is unable to wear a safety seat belt system for psychological reasons.*

(iii) *A rural letter carrier while operating any motor vehicle during the performance of his duties as a United States postal service rural letter carrier only between the first and last delivery points.*

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

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

(b) **Offense.**—Anyone who fails to comply with the provisions of **[this section] subsection (a)(1)** 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). *Anyone who violates subsection (a)(2) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of*

§10. No persons shall be convicted of a violation of subsection (a)(2) unless the person is also convicted of another violation of this title which occurred at the same time. No costs as described in 42 Pa.C.S. § 1725.1 (relating to costs) shall be imposed for summary conviction of subsection (a)(2). Conviction under this subsection shall not constitute a moving violation.

(c) Waiver of fine.—If a person receives a citation issued by the proper authority for violation of **[this subchapter] subsection (a)(1)**, 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 *or safety seat belt 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.

(h) *Insurance.—An insurer may not charge an insured who has been convicted of a violation of this section a higher premium for a policy of insurance in whole or in part by reason of that conviction.*

Section 6. Title 75 is amended by adding a section to read:
§ 4586. Civil immunity for lenders of child passenger restraint systems.

No person or organization who or which lends to another person or organization a child passenger restraint system, as described in section 4581 (relating to restraint systems), shall be liable for any civil damages resulting from any acts or omission, except any act or omission intentionally designed to harm, or any grossly negligent act or omission resulting in harm to another.

Section 7. Section 4924 of Title 75 is amended by adding a subsection to read:

§ 4924. Limitations on length of projecting loads.

* * *

(d) Exceptions.—This section does not apply to a motor vehicle specifically designed and being used to transport roof trusses.

Section 8. It is the policy of this Commonwealth that enactment of the mandatory safety seat belt system usage provision contained in 75 Pa.C.S. § 4581 (relating to restraint systems) is intended to be compatible with support for Federal safety standards requiring automatic crash protection and shall not be used in any manner to rescind Federal automatic crash protection system requirements. The provisions of 75 Pa.C.S. § 4581(a)(2) shall become inoperative immediately upon the date that the Secretary of the United States Department of Transportation, or his or her delegate, determines to rescind the portion of the Federal Motor Vehicle Safety Standard 208 (49 C.F.R. § 571.208), which requires the installation of automatic restraints in new private passenger motor vehicles; provided, however, that section 4581(a)(2) shall not become inoperative if the secretary's decision to rescind Standard 208 is not based in any respect on the enactment or continued operation of section 4581(a)(2).

Section 9. The department shall initiate an educational program to begin immediately, to alert the public to the provisions of this act and the requirements and penalties specified in this act. The program shall also encourage the use of safety seat belt systems as a means of reducing the risk of harm to their users as well as to others. The department shall submit to the General Assembly a report on the effects of 75 Pa.C.S. § 4581(a)(2) (relating to restraint systems) by August 31, 1989.

Section 10. For a period of 120 days after enactment, oral hazard warnings shall be given by the Pennsylvania State Police or local enforcement officers to motor vehicle drivers and front seat passengers who are not wearing safety seat belts as required by 75 Pa.C.S. § 4581 (relating to restraint systems), but no citation shall be issued for such violation during said 120-day period.

Section 11. This act shall take effect as follows:

(1) Sections 1, 5, 6, 8, 9 and 10 of this act shall take effect immediately.

(2) The remainder of this act shall take effect in 60 days.

APPROVED—The 23rd day of November, A. D. 1987.

ROBERT P. CASEY