

No. 1991-20

## AN ACT

HB 161

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for handicapped plates and placards; requiring pedalcycle helmets for persons five years of age or younger; making it unlawful to leave an unattended child in a vehicle; and providing penalties.

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

Section 1. Section 1338(a) and (b) of Title 75 of the Pennsylvania Consolidated Statutes are amended to read:

§ 1338. Handicapped plate and placard.

(a) Handicapped plate.—On the application of any person who:

**(1) does not have full use of a leg or both legs, as evidenced by the use of a wheelchair, walker, crutches, quad cane or other such device;**

**(2) is blind;**

**(3) is physically limited by a cardiopulmonary condition, such as severe emphysema or chronic bronchitis, restricting substantially his movements;**

**(4) does not have full use of an arm or both arms; or**

**(5) is a parent or a person in loco parentis of a person specified in paragraph (1), (2), (3) or (4);]**

*(1) is blind;*

*(2) does not have full use of an arm or both arms;*

*(3) cannot walk 200 feet without stopping to rest;*

*(4) cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;*

*(5) is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than 60 mm/hg on room air at rest;*

*(6) uses portable oxygen;*

*(7) has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to the standards set by the American Heart Association;*

*(8) is severely limited in his or her ability to walk due to an arthritic, neurological or orthopedic condition; or*

*(9) is a person in loco parentis of a person specified in paragraph (1), (2), (3), (4), (5), (6), (7) or (8);*

the department shall issue a special registration plate for one passenger car or other vehicle with a registered gross weight of not more than 9,000 pounds, designating the vehicle so licensed as being used by a handicapped person.

Special plates for handicapped persons may also be issued for vehicles operated exclusively for the use and benefit of handicapped persons.

(b) **Handicapped parking placard.**—On the *initial application or renewal application* of any person who meets the qualifications of subsection (a), the department shall issue one special parking placard of such size and design as the department shall specify, designating the vehicle in which it is displayed as being used for the transportation of a handicapped person. **[Such] When parking the designated vehicle, the handicapped parking placard shall be prominently displayed [on the right front dash of the vehicle when it is in use for the transportation of such person.] in such a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle only when that vehicle is utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, or the placard is not designed in such a manner to accommodate hanging from a rearview mirror, the placard shall be displayed on the dashboard.** Placards may also be issued for use in vehicles when operated for the use and benefit of handicapped persons.

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Section 2. Title 75 is amended by adding sections to read:

§ 3510. **Pedalcycle helmets for certain persons.**

(a) **General rule.**—No person operating a pedalcycle shall allow any person who is five years of age or younger to ride as a passenger on a pedalcycle unless that passenger is wearing a helmet meeting the standards of the American National Standards Institute or of the Snell Memorial Foundation's Standards for Protective Headgear for Use in Bicycling.

(b) **Proof of purchase.**—The first violation of subsection (a) by any person may be dismissed by the court if the person charged produces proof that a helmet meeting the standards prescribed in subsection (a) has been purchased for use by the passenger five years of age or younger.

(c) **Civil actions.**—In no event shall a violation or alleged violation of subsection (a) 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 subsection (a); nor shall failure to use a pedalcycle helmet be considered as contributory negligence nor shall failure to use a pedalcycle helmet be admissible as evidence in the trial of any civil action.

(d) **Penalty.**—Notwithstanding any other provisions of law, any violation of subsection (a) is punishable by a fine, including all penalties, assessments and court costs imposed on the convicted person not to exceed \$25. Persons age 17 and under shall not be subject to the penalty provisions of this subsection on the first offense.

(e) **Definitions.**—As used in this section, the term "wearing a helmet" means having a helmet of good fit fastened securely upon the head with the helmet straps.

§ 3701.1. **Leaving an unattended child in a motor vehicle.**

(a) **General rule.**—A person driving or in charge of a motor vehicle may not permit a child under six years of age to remain unattended in the vehicle

*when the motor vehicle is out of the person's sight and under circumstances which endanger the health, safety or welfare of the child.*

*(b) Penalty.—A person who violates this section commits a summary offense.*

Section 3. This act shall take effect in 90 days.

APPROVED—The 19th day of July, A. D. 1991.

ROBERT P. CASEY