

No. 1994-170

AN ACT

SB 1823

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a special preserve our heritage registration plate, for a Flagship Niagara commemorative registration plate and for a zoological plate; further providing for availability, scope and amount of coverage, for fines for parking violations relating to parking spaces which are reserved for people who have a qualifying handicap and for the use of safety helmets by pedalcycle users; establishing the Pedalcycle Helmet Fund; and providing for civil immunity.

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

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

§ 1353. *Preserve our heritage registration plate.*

The department, in consultation with the Pennsylvania Historical and Museum Commission, shall design a special preserve our heritage registration plate. Upon receipt of an application, accompanied by a fee of \$35 which shall be in addition to the annual registration fee, the department shall issue the plate for a passenger car, motor home, trailer or truck with a gross vehicle weight rating of not more than 9,000 pounds. The Historical Preservation Fund shall receive \$15 of each additional fee for this plate.

§ 1354. *Flagship Niagara commemorative registration plate.*

(a) Plate.—The department, in consultation with the Pennsylvania Historical and Museum Commission, shall design a Flagship Niagara commemorative registration plate. Upon application of any person, accompanied by a fee of \$35 which shall be in addition to the annual registration fee, the department shall issue the plate for a passenger car, motor home, trailer or truck with a registered gross weight of not more than 9,000 pounds.

(b) Use of fee.—Of each fee paid under subsection (a), \$15 shall be deposited into the Flagship Niagara Account, which is established as a special account in the Historical Preservation Fund of the Pennsylvania Historical and Museum Commission. The commission shall administer the account as follows:

(1) To preserve, maintain and operate the Flagship Niagara.

(2) After making a determination that there has been compliance with paragraph (1) for a fiscal year, to contribute to the fund.

§ 1355. *Zoological plate.*

The department, in consultation with the Pennsylvania Zoological Council, shall design a special zoological registration plate. Upon

application of any person, accompanied by a fee of \$35 which shall be in addition to the annual registration fee, the department shall issue the plate for a passenger car or truck with a gross vehicle weight rating of not more than 9,000 pounds. The Zoological Enhancement Fund shall receive \$15 of the fee paid by the applicant for the plate.

Section 2. Section 1731 of Title 75 is amended by adding a subsection to read:

§ 1731. Availability, scope and amount of coverage.

* * *

(b.1) Limitation of rejection.—Uninsured motorist coverage cannot be rejected on motor vehicle liability insurance policies written for vehicles referred to as “common carriers by motor vehicle” as defined in 66 Pa.C.S. § 102 (relating to definitions). Uninsured motorist protection may be rejected for the driver and passengers for rental or lease vehicles which are not otherwise common carriers by motor vehicle, but such coverage may only be rejected if the rental or lease agreement is signed by the person renting or leasing the vehicle and contains the following rejection language:

Rejection of Uninsured Motorist Protection

I am rejecting uninsured motorist coverage under this rental or lease agreement, and any policy of insurance or self-insurance issued under this agreement, for myself and all other passengers of this vehicle. Uninsured coverage protects me and other passengers in this vehicle for losses and damages suffered if injury is caused by the negligence of a driver who does not have any insurance to pay for losses and damages.

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Section 3. Section 3354 of Title 75 is amended by adding a subsection to read:

§ 3354. Additional parking regulations.

* * *

(g) Special penalty; disposition.—

(1) In addition to any other penalty imposed under this section, any person who is convicted of violating subsection (d)(2) or (3) shall be sentenced to pay a fine of \$50.

(2) All fines collected under this subsection shall be disposed of as follows:

(i) Ninety-five percent shall be paid to the Department of Revenue, transmitted to the Treasury Department and credited to the Department of Public Welfare for use for the Attendant Care Program.

(ii) Five percent shall be paid to the municipality in which the offense occurred.

Section 4. Section 3510 of Title 75 is amended 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] *A person under 12 years of age shall not operate a pedalcycle or ride as a passenger on a pedalcycle unless [that passenger] the person is wearing a pedalcycle 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. This subsection shall also apply to a person who rides:*

(1) upon a pedalcycle while in a restraining seat attached to a pedalcycle; or

(2) in a trailer towed by a pedalcycle.

(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.]

(b) Helmet to be labeled.—Any helmet sold or offered for sale for use by operators and passengers of pedalcycles shall be conspicuously labeled in accordance with the standard described in subsection (a), which shall constitute the manufacturer's certification that the helmet conforms to the applicable safety standards.

(b.1) Sale of helmet.—No person shall sell or offer for sale for use by an operator or passenger of a pedalcycle a helmet which is not of a type meeting the requirements established by this section.

(b.2) Waiver of fine.—If a person receives a citation issued by the proper authority for violation of subsection (a), 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 helmet meeting the standards prescribed in subsection (a) to such district justice, magistrate or judge. Sufficient evidence shall include a receipt mailed to the appropriate court officer which evidences purchase or transfer of such a helmet from another helmet owner, evidenced by a notarized letter.

(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.] *The court imposing and collecting any such fines shall transfer the fines thus collected to the State Treasurer for*

deposit in the Pedalcycle Helmet Fund, pursuant to section 3512 (relating to Pedalcycle Helmet Fund). The parent or legal guardian having control or custody of a person under 12 years of age whose conduct violates this section shall be jointly and severally liable with the person for the amount of the fine imposed.

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

Section 5. Title 75 is amended by adding sections to read:

§ 3512. Pedalcycle Helmet Fund.

The Pedalcycle Helmet Fund is established in the General Fund as a special restricted receipts account earmarked for and appropriated to the Department of Transportation. This fund shall consist of all fines deposited pursuant to section 3510 (relating to pedalcycle helmets for certain persons), all Federal funds granted for such use and any money donated to the fund. All money in the Pedalcycle Helmet Fund shall be used solely for the purpose of purchasing pedalcycle helmets meeting the standards of the American National Standards Institute or of the Snell Memorial Foundation's Standards for Protective Headgear for use in bicycling and making such helmets available to qualified loaner programs within this Commonwealth. A qualified loaner program shall be one determined by the department to lend approved pedalcycle helmets to parents or legal guardians of children under 12 years of age who, due to financial or economic hardship, are unable to comply with the provisions of section 3510. The department shall adopt such regulations as are necessary to effectuate the purpose of this section.

§ 3513. Civil immunity for lenders of pedalcycle helmets.

No person or organization who or which lends to another person or organization a pedalcycle helmet, as described in section 3510 (relating to pedalcycle helmets for certain persons), shall be liable for any civil damages resulting from any act or omission, except any act or omission intentionally designed to harm or any grossly negligent act or omission resulting in harm to another.

Section 6. This act shall take effect as follows:

- (1) The addition of 75 Pa.C.S. § 1353 shall take effect in 120 days.
- (2) The remainder of this act shall take effect in 60 days.

APPROVED—The 28th day of December, A.D. 1994.

ROBERT P. CASEY