

No. 2004-75

AN ACT

HB 1130

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for learners' permits, for drivers of emergency vehicles, for the Child Passenger Restraint Fund, for oral hazard warnings and for civil immunity for lenders of child passenger restraint systems.

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

Section 1. Sections 1505 and 1607(d) of Title 75 of the Pennsylvania Consolidated Statutes are amended to read:

§ 1505. Learners' permits.

(a) General rule.—A person who desires to obtain a driver's license or who desires to be licensed in a class for which the person is not already licensed shall apply to the department for the class or classes of license in which the person desires to be licensed. The department shall issue to each applicant a learner's permit which shall clearly identify the class of license applied for as provided in section 1504 (relating to classes of licenses).

(b) Learner must be accompanied.—A learner's permit entitles the person to whom it was issued to drive vehicles and combinations of vehicles of the class or classes specified, but only while the holder of the learner's permit is accompanied by and under the immediate supervision of a person who:

(1) is at least 21 years of age or, if the spouse of the learner's permit holder, is at least 18 years of age; or, if a parent, guardian or person in loco parentis of the learner's permit holder, is at least 18 years of age;

(2) is licensed [in this Commonwealth] to drive vehicles of the class then being driven by the holder of the learner's permit; and

(3) is actually occupying a seat beside the holder of the learner's permit unless the vehicle is a motorcycle.

(c) Operation of motorcycle.—A motorcycle learner's permit entitles the person to whom it is issued to operate a motorcycle only between sunrise and sunset and, except for a driver licensed to drive another class of vehicle, only while under the instruction and immediate supervision of a licensed motorcycle operator. Motorcycle learners shall not carry any passenger other than an instructor properly licensed to operate a motorcycle.

(d) Duration of permit.—A learner's permit shall be valid for a period of one year after date of issue, or until the holder of the permit has failed the examination as authorized in section 1508 (relating to examination of applicant for driver's license) three times within the one-year period.

(e) Authorization to test for driver's license and junior driver's license.—A person with a learner's permit is authorized to take the examination for a regular or junior driver's license for the class of vehicle for

which a permit is held. Before a person under the age of 18 years may take the examination for a junior driver's license, the minor must:

(1) Have held a learner's permit for that class of vehicle for a period of six months.

(2) Present to the department a certification form signed by the father, mother, guardian, person in loco parentis or spouse of a married minor stating that the minor applicant has completed 50 hours of practical driving experience accompanied as required under subsection (b). Submission of a certification shall not subject the parent, guardian, person in loco parentis or spouse of a married minor to any liability based upon the certification.

(3) Have the certification form completed when the minor is ready for the licensing examination. The certification form shall be developed by the department and will be provided by the department when the original application for a learner's permit is processed. The department will make this form readily available through the mail or electronic means.

(f) Filing a false certification.—Any person who knowingly files a false certification commits a summary offense under section 6502 (relating to summary offenses).

§ 1607. Commercial driver's license qualification standards.

* * *

(d) Commercial driver learner's permit.—

(1) The department shall issue a commercial driver learner's permit in accordance with section 1505 (relating to learners' permits).

(2) A commercial driver learner's permit is required for the addition of endorsements and the removal of restrictions established under this chapter, including those established by regulation.

(3) Before a person may take the examination for a commercial driver's license, the person must have held a learner's permit for [30] 15 days for the class of vehicle the person intends to drive [and the requisite endorsements].

Section 2. Section 3105 of Title 75 is amended by adding a subsection to read:

§ 3105. Drivers of emergency vehicles.

* * *

(h) Limitations relating to school buses.—Notwithstanding the provisions of subsection (b)(4), the driver of an emergency vehicle shall come to a complete stop when a school bus flashes its red signal lights and activates its side stop signal arms. After stopping, the driver of the emergency vehicle may pass the school bus only after exercising due diligence and caution for the safety of the students in a manner that will not risk the safety of the students.

Section 3. Sections 4582, 4584 and 4586 of Title 75 are amended to read:
§ 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 *or appropriately fitting child booster 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 *or appropriately fitting child booster seats* to parents or legal guardians of children under [four] *eight* 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.

[§ 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.]

§ 4586. Civil immunity for *child passenger safety technicians* and lenders of child passenger restraint systems *and booster seats*.

(a) *Technician immunity.*—A *child passenger safety technician* or *sponsoring organization* shall not be civilly liable for an act or omission that occurs solely in the inspection, installation or adjustment of a *child passenger restraint system* or *child booster seat* in a motor vehicle or in the giving of advice or assistance regarding the installation or adjustment of a *child passenger restraint system* or *child booster seat* in a motor vehicle if:

(1) *the child passenger safety technician acts in good faith and within the scope of the training for which the technician is currently certified;*

(2) *the act or omission does not constitute gross negligence or willful or wanton misconduct;*

(3) *the inspection, installation or adjustment of the child passenger restraint system or child booster seat or the advice or assistance is provided without fee or charge to the owner or operator of the motor vehicle; and*

(4) *the inspection, installation or adjustment of the child passenger restraint system or child booster seat is not provided in conjunction with*

the for-profit sale of the child passenger restraint system or child booster seat.

(b) Lender immunity.—No person or organization who or which lends to another person or organization a child passenger restraint system *or appropriately fitting child booster seats*, 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.

(c) Definitions.—*As used in this section, the following words and phrases shall have the meanings given to them in this subsection:*

“Child passenger safety technician.” *An individual who holds a current certification as a child passenger safety technician or technician instructor by the National Highway Traffic Safety Administration of the United States Department of Transportation, the American Automobile Association or other entity designated by the National Highway Traffic Safety Administration.*

Section 4. This act shall take effect in 60 days.

APPROVED—The 15th day of July, A.D. 2004.

EDWARD G. RENDELL