

No. 2011-81

## AN ACT

HB 9

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for junior driver's license, for learners' permits, for suspension of operating privilege, for department to compile, tabulate and analyze accident reports and for restraint systems.

RESOLVED, That the part of this act that limits the number of passengers a junior driver may transport in a motor vehicle at one time may be referred to as Lacey's Law in honor of Lacey Gallagher.

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

Section 1. Sections 1503(c) and 1505(e) of Title 75 of the Pennsylvania Consolidated Statutes are amended to read:

§ 1503. Persons ineligible for licensing; license issuance to minors; junior driver's license.

\* \* \*

(c) Junior driver's license.—The department may issue a junior driver's license to a person 16 or 17 years of age under rules and regulations adopted by the department and subject to the provisions of this section. A junior driver's license shall automatically become a regular driver's license when the junior driver attains 18 years of age.

(1) Except as provided in paragraph (2), no licensed junior driver shall drive a vehicle upon a public highway between 11 p.m. and 5 a.m. unless accompanied by a spouse 18 years of age or older, a parent or a person in loco parentis.

(2) A licensed junior driver conforming to the requirements of section 1507 (relating to application for driver's license or learner's permit by minor) may drive a vehicle upon a public highway between 11 p.m. and 5 a.m. between the junior driver's home and activity or employment or in the course of the junior driver's activity or employment if the junior driver is a member of a volunteer fire company authorized by the fire chief to engage in fighting fires, is engaged in public or charitable service or is employed and is carrying an affidavit or certificate of authorization signed by the junior driver's fire chief, supervisor or employer indicating the probable schedule of the junior driver's activities. Upon termination of the junior driver's activity or employment, the junior driver shall surrender the affidavit or certificate to the fire chief, supervisor or employer. If the junior driver shall fail to surrender the affidavit or certificate, the employer, fire chief or supervisor shall immediately notify the Pennsylvania State Police.

*(2.1) For the first six months after issuance of the junior driver's license, a junior driver shall not drive a vehicle with more than one passenger under 18 years of age who is not a member of the driver's immediate family unless the junior driver is accompanied by a parent or*

*legal guardian. After the expiration of the first six months, a junior driver shall not drive a vehicle with more than three passengers under 18 years of age who are not members of the driver's immediate family unless the junior driver is accompanied by a parent or legal guardian. A junior driver shall not drive a vehicle with more than one passenger under 18 years of age who is not a member of the driver's immediate family unless the junior driver is accompanied by a parent or legal guardian if the junior driver has been involved in an accident reportable under section 3746(a) for which the junior driver is partially or fully responsible in the opinion of the department or has been convicted of any violation of this title. For purposes of this paragraph,<sup>1</sup> a junior driver's immediate family shall include brothers, sisters, stepbrothers or stepsisters of the driver, including adopted or foster children residing in the same household as the junior driver.*

(3) In addition to the other provisions of this title relating to the suspension or revocation of operating privileges, in the event that a licensed junior driver is involved in an accident reportable under section 3746(a) for which the junior driver is partially or fully responsible in the opinion of the department or is convicted of any violation of this title, the department may suspend the operating privileges of the junior driver until the junior driver attains 18 years of age or for a period of time not exceeding 90 days.

(4) Any junior driver or other person violating any provision of this subsection is guilty of a summary offense.

§ 1505. Learners' permits.

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(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] 65 hours of practical driving experience, *including no less than ten hours of nighttime driving and five hours of inclement weather driving*, 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.

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<sup>1</sup>"this subsection," in enrolled bill.

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Section 2. Section 3753 of Title 75 is amended by adding a subsection to read:

§ 3753. Department to compile, tabulate and analyze accident reports.

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*(b.1) Certain reports.—The department shall biannually compile and make available to the public information submitted on an accident report concerning junior drivers with multiple passengers under 18 years of age and the use of seat belts by drivers and passengers under 18 years of age in motor vehicles involved in traffic accidents. The report shall note the number of passengers under 18 years of age if the driver involved in the accident was a junior driver and whether drivers and passengers under 18 years of age utilized a safety belt system. The data shall be included in a report submitted to the Transportation Committee of the Senate and the Transportation Committee of the House of Representatives.*

\* \* \*

Section 3. Section 4581(a) and (b) of Title 75 are amended to read:

§ 4581. Restraint systems.

(a) Occupant protection.—

(1) Any person who is operating a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home and who transports 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 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.

(1.1) Any person who is operating a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home and who transports a child four years of age or older but under eight years of age anywhere in the motor vehicle, including the cargo area, shall fasten such child securely in a fastened safety seat belt system and in an appropriately fitting child booster seat, as defined in subsection (d). This paragraph shall apply to all 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. **[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 violating any other provision of this title.]**

(2) **[Except for children under eight years of age and except as provided in paragraphs (1) and (1.1), each] (i) The driver [and front seat occupant] of a passenger car, Class I truck, Class II truck or motor home operated in this Commonwealth shall [wear] secure or cause to be secured in a properly adjusted and fastened safety seat belt system *the' driver, if under 18 years of age, and every vehicle***

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<sup>1</sup>"system on the" in enrolled bill.

*occupant eight years of age or older but under 18 years of age. [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 who is eight years of age or older and less than 18 years of age.]*

*(ii) Except for children under 18 years of age and except as provided in paragraphs (1) and (1.1) and subparagraph (i), each driver and front seat occupant of a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home operated in this Commonwealth shall wear a properly adjusted and fastened safety seat belt system.*

*(iii) This paragraph shall not apply to:*

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

**[(ii)] (B)** 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)] (C)** 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)] (D)** 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.

*(iv) 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).*

**(3) [A] *Notwithstanding the provisions of section 1503(c)(2.1) (relating to persons ineligible for licensing; license issuance to minors; junior driver's license), a driver who is under 18 years of age may not operate a motor vehicle in which the number of passengers exceeds the number of available safety seat belts in the vehicle.***

**(b) Offense.—**Anyone who fails to comply with the provisions of subsection (a)(1) or (1.1) **[shall be guilty of] commits** a summary offense **[with a maximum fine of \$100] and shall, upon conviction, be sentenced to pay a fine of \$75.** 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) or (3) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$10. No person shall be convicted of a violation of subsection **[(a)(2)] (a)(2)(ii)** 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) or (3). Conviction under this subsection shall not constitute a moving violation.

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

APPROVED—The 25th day of October, A.D. 2011

TOM CORBETT