

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 9

Session of 2011

INTRODUCED BY WATSON, GEIST, TURZAI, CREIGHTON, D. COSTA, TOEPEL, BOYD, CARROLL, CLYMER, DALEY, DAVIS, DeLUCA, DiGIROLAMO, EVANKOVICH, J. EVANS, GINGRICH, GRELL, HARHAI, HARPER, HICKERNELL, JOSEPHS, KAUFFMAN, M. K. KELLER, KILLION, MAHER, MAJOR, MANN, MARSHALL, MARSICO, MICCARELLI, MILLER, MILNE, MURT, MUSTIO, PASHINSKI, PETRI, PICKETT, PYLE, QUIGLEY, QUINN, REICHLEY, SANTARSIERO, SCAVELLO, SHAPIRO, STURLA, SWANGER, TALLMAN, VULAKOVICH, WAGNER, YOUNGBLOOD, COHEN, FLECK, SAYLOR, HENNESSEY, HORNAMAN, FARRY, KORTZ AND GALLOWAY, FEBRUARY 24, 2011

SENATOR RAFFERTY, TRANSPORTATION, IN SENATE, AS AMENDED, JUNE 22, 2011

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for junior driver's license, for  
3 learners' permits, for suspension of operating privilege, FOR  
4 DEPARTMENT TO COMPILE, TABULATE AND ANALYZE ACCIDENT REPORTS  
5 and for restraint systems.



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

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

12 ~~Section 1. Sections 1503(c), 1505(e) and 4581(a) and (b) of~~  
13 ~~Title 75 of the Pennsylvania Consolidated Statutes are amended~~  
14 ~~to read:~~





1 SECTION 1. SECTIONS 1503(C) AND 1505(E) OF TITLE 75 OF THE  
2 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

3 § 1503. Persons ineligible for licensing; license issuance to  
4 minors; junior driver's license.

5 \* \* \*

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

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

16 (2) A licensed junior driver conforming to the  
17 requirements of section 1507 (relating to application for  
18 driver's license or learner's permit by minor) may drive a  
19 vehicle upon a public highway between 11 p.m. and 5 a.m.  
20 between the junior driver's home and activity or employment  
21 or in the course of the junior driver's activity or  
22 employment if the junior driver is a member of a volunteer  
23 fire company authorized by the fire chief to engage in  
24 fighting fires, is engaged in public or charitable service or  
25 is employed and is carrying an affidavit or certificate of  
26 authorization signed by the junior driver's fire chief,  
27 supervisor or employer indicating the probable schedule of  
28 the junior driver's activities. Upon termination of the  
29 junior driver's activity or employment, the junior driver  
30 shall surrender the affidavit or certificate to the fire

1 chief, supervisor or employer. If the junior driver shall  
2 fail to surrender the affidavit or certificate, the employer,  
3 fire chief or supervisor shall immediately notify the  
4 Pennsylvania State Police.

5 ~~(2.1) Except as set forth in paragraph (2.2), a junior~~ ←  
6 ~~driver may not drive a vehicle with more than one passenger~~  
7 ~~under 18 years of age.~~

8 ~~(2.2) With parental or in loco parentis approval, a~~  
9 ~~junior driver may drive a vehicle with passengers who are~~  
10 ~~siblings or relatives who live in the same dwelling as the~~  
11 ~~junior driver.~~

12 (2.1) FOR THE FIRST SIX MONTHS AFTER ISSUANCE OF THE ←  
13 JUNIOR DRIVER'S LICENSE, A JUNIOR DRIVER SHALL NOT DRIVE A  
14 VEHICLE WITH MORE THAN ONE PASSENGER UNDER 18 YEARS OF AGE  
15 WHO IS NOT A MEMBER OF THE DRIVER'S IMMEDIATE FAMILY UNLESS  
16 THE JUNIOR DRIVER IS ACCOMPANIED BY A PARENT OR LEGAL  
17 GUARDIAN. AFTER THE EXPIRATION OF THE FIRST SIX MONTHS, A  
18 JUNIOR DRIVER SHALL NOT DRIVE A VEHICLE WITH MORE THAN THREE  
19 PASSENGERS UNDER 18 YEARS OF AGE WHO ARE NOT MEMBERS OF THE  
20 DRIVER'S IMMEDIATE FAMILY UNLESS THE JUNIOR DRIVER IS  
21 ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN. A JUNIOR DRIVER  
22 SHALL NOT DRIVE A VEHICLE WITH MORE THAN ONE PASSENGER UNDER  
23 18 YEARS OF AGE WHO IS NOT A MEMBER OF THE DRIVER'S IMMEDIATE  
24 FAMILY UNLESS THE JUNIOR DRIVER IS ACCOMPANIED BY A PARENT OR  
25 LEGAL GUARDIAN IF THE JUNIOR DRIVER HAS BEEN INVOLVED IN AN  
26 ACCIDENT REPORTABLE UNDER SECTION 3746(A) (RELATING TO  
27 IMMEDIATE NOTICE OF ACCIDENT TO POLICE DEPARTMENT) FOR WHICH  
28 THE JUNIOR DRIVER IS PARTIALLY OR FULLY RESPONSIBLE IN THE  
29 OPINION OF THE DEPARTMENT OR HAS BEEN CONVICTED OF ANY  
30 VIOLATION OF THIS TITLE. FOR PURPOSES OF THIS SUBSECTION, A

1 JUNIOR DRIVER'S IMMEDIATE FAMILY SHALL INCLUDE BROTHERS,  
2 SISTERS, STEPBROTHERS OR STEPSISTERS OF THE DRIVER, INCLUDING  
3 ADOPTED OR FOSTER CHILDREN RESIDING IN THE SAME HOUSEHOLD AS  
4 THE JUNIOR DRIVER.

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

15 (4) Any junior driver or other person violating any  
16 provision of this subsection is guilty of a summary offense.  
17 § 1505. Learners' permits.

18 \* \* \*

19 (e) Authorization to test for driver's license and junior  
20 driver's license.--A person with a learner's permit is  
21 authorized to take the examination for a regular or junior  
22 driver's license for the class of vehicle for which a permit is  
23 held. Before a person under the age of 18 years may take the  
24 examination for a junior driver's license, the minor must:

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

27 (2) Present to the department a certification form  
28 signed by the father, mother, guardian, person in loco  
29 parentis or spouse of a married minor stating that the minor  
30 applicant has completed [50] 65 hours of practical driving

1 experience, including no less than ten hours of nighttime  
2 driving and five hours of inclement weather driving,  
3 accompanied as required under subsection (b). Submission of a  
4 certification shall not subject the parent, guardian, person  
5 in loco parentis or spouse of a married minor to any  
6 liability based upon the certification.

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

14 \* \* \*

15 SECTION 2. SECTION 3753 OF TITLE 75 IS AMENDED BY ADDING A  
16 SUBSECTION TO READ:

17 § 3753. DEPARTMENT TO COMPILE, TABULATE AND ANALYZE ACCIDENT  
18 REPORTS.

19 \* \* \*

20 (B.1) CERTAIN REPORTS.--THE DEPARTMENT SHALL BIANNUALLY  
21 COMPILE AND MAKE AVAILABLE TO THE PUBLIC INFORMATION SUBMITTED  
22 ON AN ACCIDENT REPORT CONCERNING JUNIOR DRIVERS WITH MULTIPLE  
23 PASSENGERS UNDER 18 YEARS OF AGE AND THE USE OF SEAT BELTS BY  
24 DRIVERS AND PASSENGERS UNDER 18 YEARS OF AGE IN MOTOR VEHICLES  
25 INVOLVED IN TRAFFIC ACCIDENTS. THE REPORT SHALL NOTE THE NUMBER  
26 OF PASSENGERS UNDER 18 YEARS OF AGE IF THE DRIVER INVOLVED IN  
27 THE ACCIDENT WAS A JUNIOR DRIVER AND WHETHER DRIVERS AND  
28 PASSENGERS UNDER 18 YEARS OF AGE UTILIZED A SAFETY BELT SYSTEM.  
29 THE DATA SHALL BE INCLUDED IN A REPORT SUBMITTED TO THE  
30 TRANSPORTATION COMMITTEE OF THE SENATE AND THE TRANSPORTATION

1 COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

2 \* \* \*

3 SECTION 3. SECTION 4581(A) AND (B) OF TITLE 75 ARE AMENDED  
4 TO READ:

5 § 4581. Restraint systems.

6 (a) Occupant protection.--

7 (1) Any person who is operating a passenger car, Class I  
8 truck, Class II truck, classic motor vehicle, antique motor  
9 vehicle or motor home and who transports a child under four  
10 years of age anywhere in the motor vehicle, including the  
11 cargo area, shall fasten such child securely in a child  
12 passenger restraint system, as defined in subsection (d).  
13 This subsection shall apply to all persons while they are  
14 operators of motor vehicles where a seating position is  
15 available which is equipped with a seat safety belt or other  
16 means to secure the systems or where the seating position was  
17 originally equipped with seat safety belts.

18 (1.1) Any person who is operating a passenger car, Class  
19 I truck, Class II truck, classic motor vehicle, antique motor  
20 vehicle or motor home and who transports a child four years  
21 of age or older but under eight years of age anywhere in the  
22 motor vehicle, including the cargo area, shall fasten such  
23 child securely in a fastened safety seat belt system and in  
24 an appropriately fitting child booster seat, as defined in  
25 subsection (d). This paragraph shall apply to all persons  
26 while they are operators of motor vehicles where a seating  
27 position is available which is equipped with a seat safety  
28 belt or other means to secure the systems or where the  
29 seating position was originally equipped with seat safety  
30 belts. [A conviction under this paragraph by State or local

1 law enforcement agencies shall occur only as a secondary  
2 action when a driver of a motor vehicle has been convicted of  
3 violating any other provision of this title.]

4 (2) [Except for children under eight years of age and  
5 except as provided in paragraphs (1) and (1.1), each] (i)  
6 The driver [and front seat occupant] of a passenger car,  
7 Class I truck, Class II truck or motor home operated in  
8 this Commonwealth shall [wear] secure or cause to be  
9 secured in a properly adjusted and fastened safety seat  
10 belt system on the driver, if under 18 years of age, and  
11 every vehicle occupant eight years of age or older but  
12 under 18 years of age. [A conviction under this paragraph  
13 by State or local law enforcement agencies shall occur  
14 only as a secondary action when a driver of a motor  
15 vehicle has been convicted of any other provision of this  
16 title. The driver of a passenger automobile shall secure  
17 or cause to be secured in a properly adjusted and  
18 fastened safety seat belt system any occupant who is  
19 eight years of age or older and less than 18 years of  
20 age.]

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

28 (iii) This paragraph shall not apply to:

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

1            [(ii)] (B) A driver or front seat occupant who  
2 possesses a written verification from a physician  
3 that he is unable to wear a safety seat belt system  
4 for physical or medical reasons, or from a  
5 psychiatrist or other specialist qualified to make an  
6 informed judgment that he is unable to wear a safety  
7 seat belt system for psychological reasons.

8            [(iii)] (C) A rural letter carrier while  
9 operating any motor vehicle during the performance of  
10 his duties as a United States postal service rural  
11 letter carrier only between the first and last  
12 delivery points.

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

18           (iv) A violation of this paragraph shall not be  
19 subject to the assessment of any points under section  
20 1535 (relating to schedule of convictions and points).

21           (3) [A] Notwithstanding the provisions of section  
22 1503(c)(2.1) (relating to persons ineligible for licensing;  
23 license issuance to minors; junior driver's license), a  
24 driver who is under 18 years of age may not operate a motor  
25 vehicle in which the number of passengers exceeds the number  
26 of available safety seat belts in the vehicle.

27           (b) Offense.--Anyone who fails to comply with the provisions  
28 of subsection (a)(1) or (1.1) [shall be guilty of] commits a  
29 summary offense [with a maximum fine of \$100] and shall, upon  
30 conviction, be sentenced to pay a fine of \$75. The court



1 imposing and collecting any such fines shall transfer the fines  
2 thus collected to the State Treasurer for deposit in the Child  
3 Passenger Restraint Fund, pursuant to section 4582 (relating to  
4 Child Passenger Restraint Fund). Anyone who violates subsection  
5 (a) (2) or (3) commits a summary offense and shall, upon  
6 conviction, be sentenced to pay a fine of \$10. No person shall  
7 be convicted of a violation of subsection [(a) (2)] (a) (2) (ii)  
8 unless the person is also convicted of another violation of this  
9 title which occurred at the same time. No costs as described in  
10 42 Pa.C.S. § 1725.1 (relating to costs) shall be imposed for  
11 summary conviction of subsection (a) (2) or (3). Conviction under  
12 this subsection shall not constitute a moving violation.

13 \* \* \*

14 Section ~~2~~ 4. This act shall take effect in 60 days.

