

No. 86

AN ACT

HB 1269

Amending the act of April 29, 1959 (P.L.58, No.32), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors," restricting the use of learners' permits and junior operator's license of persons under eighteen years of age.

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

Section 1. Subsection (c) of section 604.1, act of April 29, 1959 (P.L.58, No.32), known as "The Vehicle Code," added September 16, 1961 (P.L.1367, No.609), is amended to read:

Section 604.1. Junior Operator's License.—

* * *

(c) No person possessing a junior operator's license shall operate any vehicle or tractor upon any public highway between the hours of midnight and five o'clock antemeridian unless he is accompanied by a parent or a person in loco parentis, *or unless he is going to or returning from a fire as a member of a volunteer fire company, authorized by the fire chief, to engage in fighting fires.*

* * *

Section 2. Subsection (a) of section 606 of the act, amended July 15, 1968 (P.L.332, No.162), is amended to read:

Section 606. Learners' Permits.—

(a) The department, upon receiving from any person eighteen (18) years of age or over, or upon receiving from any person less than eighteen (18) years of age and more than sixteen (16) years of age, when accompanied by an affidavit of consent of a parent or person in loco parentis, an application for a learner's permit, may, in its discretion, issue such a permit, entitling the applicant while having such permit in his immediate possession to operate a motor vehicle or tractor upon the highways for a period of ninety (90) days from date of issue, or for one hundred twenty (120) days if the learner is a high school student enrolled in an accredited driving training course, or if the permit is to operate a motorcycle, motor scooter, or bicycle with motor attached, for a period of ninety (90) days, or until such learner has failed three (3) times, at any time within the ninety-day period or one hundred twenty (120) days, as the case may be, the examination prescribed by the secretary, and when accompanied by an operator licensed to operate the type of vehicle being driven, who regularly and frequently engages in the practice of driving and who is actually occupying a seat beside the holder of the learner's permit, except that permittees operating tractors, motorcycles or

bicycles with motor attached need not be so accompanied. *It shall be unlawful for any person under the age of eighteen (18) years of age possessing a learner's permit to operate any vehicle or tractor upon any public highway between the hours of midnight and five o'clock antemeridian, unless he is accompanied by a parent or a person in loco parentis.* Permittees operating motorcycles, motor scooters, or bicycles with motor attached shall only operate during daylight hours and shall not carry any riders except that a qualified licensed operator may accompany the applicant at any time for the purpose of giving instruction if the vehicle is equipped in accordance with the provisions of this act for carrying riders.

* * *

Penalty.—Any person violating any of the provisions of subsection (a) or (b) of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of ten dollars (\$10.00) and costs of prosecution, and, in default of the payment thereof, shall undergo imprisonment for not more than five (5) days.

Section 3. This act shall take effect immediately.

APPROVED—The 10th day of May, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 86.

A handwritten signature in cursive script, reading "C. McLaughlin Tucker". The signature is written in dark ink and is positioned above the printed name of the Secretary of the Commonwealth.

Secretary of the Commonwealth.