

No. 2016-43

AN ACT

SB 1152

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in other required equipment, further providing for restraint systems; and making an editorial change.

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

Section 1. The heading of Subchapter E of Chapter 45 of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

SUBCHAPTER E
[CHILD PASSENGER] *OCCUPANT* PROTECTION

Section 2. Section 4581(a)(1), (1.1) and (2)(i) of Title 75 are amended to read:

§ 4581. Restraint systems.

(a) Occupant protection.—

(1) [Any] (i) *Except as provided under subparagraph (ii), 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] provided in subsection (d).*

(ii) *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 two years of age anywhere in the motor vehicle shall fasten such child securely in a rear-facing child passenger restraint system, to be used until the child outgrows the maximum weight and height limits designated by the manufacturer, as provided in subsection (d).*

(iii) This [subsection] *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.

(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] *provided* 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.

(2) (i) The driver of a passenger car, Class I truck, Class II truck or motor home operated in this Commonwealth **[shall secure or cause to be secured in a properly adjusted and fastened safety seat belt system on the driver, if under 18 years of age, and every vehicle occupant eight years of age or older but under 18 years of age.] shall:**

(A) if under 18 years of age, be secured in a properly adjusted and fastened safety seat belt system; and

(B) secure or cause to be secured in a properly adjusted and fastened safety seat belt every vehicle occupant eight years of age or older but under 18 years of age.

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Section 3. Notwithstanding the provisions of 75 Pa.C.S. § 4581(b), a law enforcement official authorized to issue citations for a violation of 75 Pa.C.S. § 4581(a)(1)(ii) shall, during the first year following the effective date of this section, only issue verbal warnings to individuals who are in violation of 75 Pa.C.S. § 4581(a)(1)(ii).

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

APPROVED—The 13th day of June, A.D. 2016

TOM WOLF