

Pennsylvania Vehicle Code  
CHILD PASSENGER PROTECTION

§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 driver and front seat occupant of a passenger car, class I truck, class II truck or motor home operated in this commonwealth shall wear a properly adjusted and fastened safety seat belt system. 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. This paragraph shall not apply to:

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

(ii) 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) 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) 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. 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 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 a summary offense with a maximum fine of \$100. 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) 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.

(c) Waiver of fine. - If a person receives a citation issued by the proper authority for violation of subsection (a)(1) or (1.1), a district justice, magistrate or judge shall dismiss the charges if the person prior to or at his hearing displays evidence of acquisition of a child passenger restraint system or child booster seat to such district justice, magistrate or judge. Sufficient evidence shall

include a receipt mailed to the appropriate court officer which evidences purchase, rental, transferal from another child seat owner (evidenced by notarized letter) or bailment from a bona fide loaner program of a child passenger restraint system or child booster seat.

(d) Standards. -

(1) A child passenger restraint system shall be used as designated by the manufacturer of the system in motor vehicles equipped with seat safety belts and shall meet the federal motor vehicle safety standard (49 C.F.R. §571.213).

(2) A child booster seat shall be used as designated by the manufacturer of the system in motor vehicles equipped with seat safety belts and shall meet the federal motor vehicle safety standard (49 CFR §571.213) that is designed to elevate a child to properly sit in a federally approved safety seat belt system.

(e) Civil actions. - In no event shall a violation or alleged violation of this subchapter be used as evidence in a trial of any civil action; nor shall any jury in a civil action be instructed that any conduct did constitute or could be interpreted by them to constitute a violation of this subchapter; nor shall failure to use a child passenger restraint system, child booster seat or safety seat belt system be considered as contributory negligence nor shall failure to use such a system be admissible as evidence in the trial of any civil action; nor shall this subchapter impose any legal obligation upon or impute any civil liability whatsoever to an owner, employer, manufacturer, dealer or person engaged in the business of renting or leasing vehicles to the public to equip a vehicle with a child passenger restraint system or child booster seat or to have such child passenger restraint system or child booster seat available whenever their vehicle may be used to transport a child.

(f) Criminal proceedings. - The requirements of this subchapter or evidence of a violation of this subchapter are not admissible as evidence in a criminal proceeding except in a proceeding for a violation of this subchapter. No criminal proceeding for the crime of homicide by vehicle shall be brought on the basis of noncompliance with this subchapter.

(g) Exemptions. - Exemptions will be allowed if it is determined, according to the rules and regulations of the department, that the use of a child passenger restraint system or child booster seat would be impractical for physical reasons including, but not limited to, medical reasons or size of the child.

(h) Insurance. - An insurer may not charge an insured who has been convicted of a violation of this section a higher premium for a policy of insurance in whole or in part by reason of that conviction.

(Chgd. by L.1999, Act 23(8); L.2002, Act 229(17), eff. 2/21/2003.)