

JURISDICTION:  
General Reference:

**PENNSYLVANIA**  
Pennsylvania Statutes Annotated

Required Use of Safety Belts<sup>1</sup>:

Requirements:

- I. When a motor vehicle<sup>2</sup> is in operation, the driver and front seat passengers shall wear a safety belt. Title 75, §4581(a)(2)
- II. If a passenger is  $\geq 4$  but  $< 18$  years old, the motor vehicle operator shall secure such passenger in a safety belt. Title 75, §4581(a)(2)
- III. A driver  $< 18$  years old may not operate a motor vehicle in which the number of passengers exceeds the number of available safety belts. Title 75, §4581(a)(3)

**Secondary Enforcement.** A conviction for a violation of requirements I or II above shall occur only as a secondary action when a driver has been convicted of another offense under the Vehicle Code. Title 75, §4581(a)(2) & (b)

Sanctions for Failure to Use or  
Require the Use of Safety Belts<sup>3</sup>:

Summary Offense: A fine of **\$10**. No other costs can be assessed for a violation of these requirements. In addition, a violation of such requirements shall not result in the assessment of points against a person's driver record and is not considered to be a moving violation. Title 75, §4581(2) (¶2) & (b) A violation of these requirements cannot be used to increase insurance premiums.<sup>4</sup> Title 75, §4581(h) Note: The law does not appear to assign points for a violation of these requirements.

Effect on Civil Liability:

A violation of these requirements cannot be admitted into evidence at a civil trial. A jury cannot be instructed that such a violation constitutes a violation. In addition, such a violation cannot be considered contributory negligence.<sup>5</sup> Title 75, §4581(e)

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<sup>1</sup>**Exemptions.** The requirement to wear a safety belt does not apply in the following circumstances: (1) To persons riding in motor vehicles manufactured before July 1, 1966; (2) to persons who for physical or medical reasons cannot wear a safety belt; (3) to rural letter carriers of the U.S. Postal Service while performing official duties; and, (4) to drivers who make frequent stops for the purpose of delivering goods or services and where the vehicle is traveling  $< 15$  MPH. Title 75, §4581(2)(i), (ii), (iii) & (iv)

<sup>2</sup>The term "motor vehicle" means a passenger car, Class I truck (weighing  $\leq 5,000$  lbs.), Class II truck (weighing  $\geq 7,001$  but  $\leq 7,000$  lbs.) or motor home. Title 75, §§1916(a)(1) & 4581(a)(2)

<sup>3</sup>**Junior Drivers.** A "junior driver" (a licensee 16 or 17 years old) is subject a suspension of their driving privileges until they are 18 years old or for a period not to exceed 90 days if they are convicted of **any** violation of Title 75. Title 75, §1503(c)(3)

<sup>4</sup>In addition, under separate statutory provisions, a violation of these requirements shall not be used as evidence by an insurer for any purpose. Title 75, §4585

<sup>5</sup>Evidence of a violation of these requirements can only be admitted at a criminal trial to prove such violation. I.e., such evidence cannot be admitted into evidence in any other criminal proceeding. Title 75, §4581(F)

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### Required Use of Child Safety Restraint Systems<sup>6</sup>:

Requirements:	Where there is a seating position available with a safety belt, a person, who is transporting a child <4 years old in a motor vehicle <sup>7</sup> , must secure such child in a Federally approved child passenger restraint system. Title 75, §4581(a)(1)
Sanctions for Failure to Require the Use of Child Restraint Systems <sup>3</sup> :	Summary Offense: A fine of not more than <b>\$25</b> . Title 75, §4581(b) A violation is not considered a moving violation. Title 75, §4581(b) And, a violation of these requirements cannot be used to increase insurance premiums. <sup>4</sup> Title 75, §4581(h) Note: The law does not appear to assign points for a violation of this requirement.
Effect on Civil Liability:	A violation of these requirements cannot be admitted into evidence at a civil trial. A jury cannot be instructed that such a violation constitutes a violation. In addition, such a violation cannot be considered contributory negligence. <sup>5</sup> Title 75, §4581(e)

### Required Use of Motorcycle Protective Headgear<sup>8</sup>:

Requirements:	No person shall operate or ride on a motorcycle or motor-driven cycle (except a motorized pedalcycle) unless they are wearing State approved protective headgear. Title 75, §3525(a)
Sanctions for Failure to Use <sup>3</sup> :	Summary Offense: A fine of <b>\$25</b> . Title 75, §6502(a) Note: The law does not appear to assign points for a violation of this requirement.

### Required Use of Motorcycle Eye Protection Device<sup>8</sup>:

Requirements:	No person shall operate or ride a motorcycle or motor-driven cycle (except a motorized pedalcycle) unless they are wearing a State approved eye-protection device. Title 75, §3525(b)
Sanctions for Failure to Use <sup>3</sup> :	Summary Offense: A fine of <b>\$25</b> . Title 75, §6502(a) Note: The law does

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<sup>6</sup>**Exemptions.** The requirement to use a child passenger restraint system does not apply if the use of such a system would be impractical for physical (e.g., size of the child) or medical reasons. Title 75, §4581(g)

<sup>7</sup>The term "motor vehicle" means a passenger car, Class I truck (weighing ≤5,000 lbs.), Class II truck (weighing ≥5,001 but ≤7,000 lbs.), classic motor vehicle, antique motor vehicle or motor home. Title 75, §§1916(a)(1) & 4581(a)(1)

<sup>8</sup>The requirement to wear protective headgear and an eye-protection device does not apply to operators or occupants of a three-wheeled motorcycle equipped with an enclosed cab. Title 75, §3525(d)

not appear to assign points for a violation of this requirement.

Required Use of Bicycle Protective Headgear<sup>9</sup>:

Requirements:  
Required Use of Bicycle Protective Headgear:  
(continued)

A person <12 years old shall wear a nationally approved pedalcycle

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<sup>9</sup>This requirement does not apply if the child <12 years old can produce a statement from the family's church authorities attesting that it is against the tenets of the family's religion to wear a helmet. Title 75, §3510(b.3)

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Requirements:(continued) (bicycle) helmet when operating or riding on a pedalcycle (bicycle).<sup>10</sup> Title 75, §3510(a)

Sanctions for Failure to Use: Summary Offense: A fine of not more than \$25.<sup>11</sup> Title 75, §§3510(d) & 6502(a) Note: A violation of this requirement shall not be used as evidence in any civil action. Such evidence shall not be used to instruct a jury that such conduct constituted a violation of this requirement. And, such evidence shall not be considered as contributory negligence. Title 75, §3510(c)

Required Use of Bicycle Eye Protection Device:

Requirements: **None**

Sanctions for Failure to Use:

Prohibition Against Riding in Unsecured Portion of Vehicle:

Requirements: I. A person cannot operate either an open-bed pickup truck or open flatbed truck >35 MPH if a person is occupying the bed of such truck. Title 75, §3719(a)  
II. A person cannot operate either an open-bed pickup truck or open flatbed truck at any speed if a person <18 years old is occupying the bed of such truck or trailer. Title 75, §3719(b)(1)  
III. A child <4 years old, who is being transported in the cargo area of a motor vehicle, must be secured in a child passenger restraint system. Title 75, §4581(a)(1)

Sanctions for a Violation: I. It is a Summary Offense to violate the requirements in either I or II above. The sanction for a Summary Offense is a fine of not more than \$25. Title 75, §6502(a)  
II. For the sanctions related to a violation of requirement III above, see the sanctions for a violation of the requirements for the use of Child Safety Restraint Systems.

Exemptions: The prohibition contained in requirement II above does not apply to (1) a child of or a child employed by a farmer where the child is being transported either between parts of the farm or for farm work, (2) a child being transported between a hunting camp and a hunting site or (3) a child who is participating in an authorized parade. Title 75, §3719(b)(2)

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<sup>10</sup>This requirement also applies if the person <12 years old is riding either in a restraining seat attached to the pedalcycle (bicycle) or in a trailer towed by a pedalcycle (bicycle). Title 75, §3510(a)

<sup>11</sup>The parent or legal guardian of the child who violates this requirement shall be jointly and severally liable with such child for the amount of the fine. Title 75, §3510(d)

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