

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

GOVERNOR'S OFFICE

[4 PA. CODE CH. 1]

[Correction]

### Index of Issuances—Directives Management System

An error appeared in a document amending 4 Pa. Code §§ 1.4 and 1.5 (relating to Index of Issuances; and office hours) which appeared at 33 Pa.B. 1452 (March 22, 2003). The document should have appeared as a statement of policy.

[Pa.B. Doc. No. 03-505. Filed for public inspection March 21, 2003, 9:00 a.m.]

## Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 102]

### Child Passenger Protection—Statement of Policy

The Department of Transportation adopts this statement of policy in response to the requirements of section 17 of the act of December 23, 2002 (P. L. 1982, No. 229) (Act 229). See 75 Pa.C.S. § 4581 (relating to restraint systems). These guidelines are designed to improve safety in transporting children by providing for exemption from the booster seat requirements in Act 229 for children over a certain weight or height or for children with a medical condition which makes use of a child passenger restraint system inappropriate.

#### Effective Date

This statement of policy shall be effective upon publication in the *Pennsylvania Bulletin*.

#### Contact Person

The contact person is Dianna J. Reed, Transportation Planning Specialist Supervisor, Bureau of Highway Safety and Traffic Engineering, Department of Transportation, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, (717) 787-6853.

#### Authority

This statement of policy is adopted under the authority contained in section 21 of Act 229.

#### Order

The Department, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 67 Pa. Code, are amended by adding a statement of policy in §§ 102.1—102.4 to read as set forth in Annex A.

(b) The Secretary of the Department shall certify this order and Annex A, and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

ALLEN D. BIEHLER, P. E.  
Secretary

**Fiscal Note:** 18-381. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 67 TRANSPORTATION

#### PART I. DEPARTMENT OF TRANSPORTATION

#### Subpart A. VEHICLE CODE PROVISIONS

#### ARTICLE VI. OPERATION OF VEHICLES

#### CHAPTER 102. CHILD PASSENGER PROTECTION—STATEMENT OF POLICY

#### § 102.1. Purpose.

(a) Section 4581 of the act (relating to restraint systems) requires all children under 8 years of age traveling anywhere in a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home be fastened securely in a child passenger restraint system or child booster seat.

(b) Section 4581 also provides that 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 the size of the child.

(c) This chapter establishes the criteria determining when use of a child passenger restraint system is impractical.

#### § 102.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Act*—75 Pa.C.S. §§ 101—9910 (relating to Vehicle Code).

*Child booster seat*—A child passenger restraint system or a belt positioning seat designed and manufactured to meet Federal motor vehicle safety standards in 49 CFR 571.213 (relating to child restraint systems) to position a child to properly sit in a Federally-approved safety seat belt system.

*Child passenger restraint system*—A device or system to enhance the safety of children in motor vehicles which is designed and manufactured for use in motor vehicles equipped with a safety seat belt system and which meets the Federal motor vehicle safety standards in 49 CFR 571.213.

*Department*—The Department of Transportation of the Commonwealth.

#### § 102.3. Physical criteria for use of child passenger restraint system.

(a) *General criteria.* Children under 4 years of age shall be securely fastened in a safety seat belt system and a child passenger restraint system appropriate for their height and weight in accordance with the recommendations of the manufacturer. Children 4 years of age but younger than 8 years of age shall be securely fastened in a safety seat belt system and an appropriately fitting child booster seat in accordance with the recommendations of the manufacturer.

(b) *Exemption based on child's weight or height, or on vehicle characteristics.* Exemption from the general criteria in subsection (a) shall be as follows:

(1) Children 4 years of age but younger than 8 years of age who weigh less than 40 pounds may, in lieu of use of a booster seat, be securely fastened in a child safety seat or other child passenger restraint system appropriate for their height and weight in accordance with the recommendations of the manufacturer.

(2) Children 4 years of age but younger than 8 years of age riding in a passenger position in the vehicle which was not originally equipped with a shoulder safety seat belt shall be fastened in the safety seat belt system without the use of a child booster seat and may be fastened in a child passenger restraint system appropriate for their height and weight in accordance with the recommendations of the manufacturer.

(3) Children 4 years of age but younger than 8 years of age who weigh more than 80 pounds or who are of a height of 4 feet 9 inches or taller may be fastened in the safety seat belt system without the use of a child booster seat.

**§ 102.4. Medical exemption from use of child passenger restraint system.**

(a) Exemption from the use of a child passenger restraint system for medical reasons may be obtained upon written certification by a physician that use of a child passenger restraint system is impractical. The certifica-

tion shall be made on a form developed by the Department which shall require the following information:

(1) The physician's name and practice address.

(2) The date the form was completed.

(3) The name, age and weight of the child.

(4) The medical or physical reasons that the use of a particular child passenger restraint system or systems is impractical.

(5) A recommendation of the type of restraint the child should be fastened into or a statement that no appropriate restraint system is known.

(6) A recommendation regarding the length of time the exemption should extend, or a statement of the conditions under which the exemption should be lifted.

(7) Other information deemed relevant by the physician, such as whether the child can be fastened into the child passenger restraint system but for only limited periods of time.

(b) The completed form shall be in the possession of the vehicle operator whenever the child is being transported.

[Pa.B. Doc. No. 03-564. Filed for public inspection March 28, 2003, 9:00 a.m.]