

CHAPTER 102. CHILD PASSENGER PROTECTION

Sec.

102.1—102.4. [Reserved].

102.101. Definitions.

102.102. Physical criteria for the use of child passenger restraint system.

102.103. Medical exemption from use of child passenger restraint system.

Authority

The provisions of this chapter 102 adopted under the Vehicle Code, 75 Pa.C.S. §§ 4581 and 6103, unless otherwise noted.

Source

The provisions of this Chapter 102 adopted March 28, 2003, effective March 29, 2003, 33 Pa.B. 1624; amended December 29, 2006, effective December 30, 2006, 36 Pa.B. 7971. Immediately preceding text appears at serial pages (296581) to (296582).

§ 102.1—102.4. [Reserved].**§ 102.101. Definitions.**

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

Child booster seat—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—

(i) 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.

(ii) The term includes a child booster seat.

Department—The Department of Transportation of the Commonwealth.

Safety seat belt system—Any strap, webbing or similar device designed to secure a person in a motor vehicle to mitigate the results of any accident, including buckles, fasteners and all installation hardware as specified by 49 CFR 571.209 (relating to Standard No. 209; seat belt assemblies).

§ 102.102. 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) is 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 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 or 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.

(c) *Integrated child restraint or booster seat.* The requirements of this chapter may be satisfied by securing a child, in accordance with the recommendations of the manufacturer, in a child passenger restraint system or vehicle seat designed to accommodate children under 80 pounds, which is integrated into the design of the vehicle by the vehicle manufacturer.

§ 102.103. 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 certification must be made on a form developed by the Department which will 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 passenger restraint the child should be fastened into or a statement that no appropriate passenger 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 must be in the possession of the vehicle operator or other adult traveling with the child whenever the child is being transported.

[Next page is 103-1.]