



Senate

General Assembly

File No. 258

February Session, 2000

Senate Bill No. 426

Senate, March 28, 2000

The Committee on Transportation reported through SEN. CIOTTO of the 9th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

An Act Concerning Child Safety In Motor Vehicles.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (1) of subsection (c) of section 14-100a of the
2 general statutes is repealed and the following is substituted in lieu
3 thereof:

4 (c) (1) The operator of and any front seat passenger in a private
5 passenger motor vehicle, as defined in subsection (e) of section 38a-
6 363, fire fighting apparatus or a vanpool vehicle equipped with seat
7 safety belts complying with the provisions of the Code of Federal
8 Regulations, Title 49, Section 571.209, as amended from time to time,
9 shall wear such seat safety belt while the vehicle is being operated on
10 the highways of this state, except that a child under the age of [four]
11 five years shall be restrained as provided in subsection (d) of this
12 section. Each operator of such vehicle shall secure or cause to be
13 secured in a seat safety belt any passenger [four] five years of age or
14 older and under sixteen years of age.

15 Sec. 2. Subsection (d) of section 14-100a of the general statutes is
16 repealed and the following is substituted in lieu thereof:

17 (d) Any person who transports a child under the age of [four years,
18 weighing less than forty pounds,] five years in a motor vehicle on the
19 highways of this state shall provide and require the child to use a child
20 restraint system approved pursuant to regulations adopted by the
21 Department of Motor Vehicles in accordance with the provisions of
22 chapter 54. [Any person who transports a child under the age of four
23 years, weighing forty or more pounds, in a motor vehicle on the
24 highways of this state shall either provide and require the child to use
25 an approved child restraint system or require the child to use a seat
26 safety belt.] As used in this subsection, "motor vehicle" does not mean
27 a bus having a tonnage rating of one ton or more. Failure to use a child
28 restraint system shall not be considered as contributory negligence nor
29 shall such failure be admissible evidence in any civil action. Any
30 person who violates the provisions of this subsection shall, for a first
31 violation, have committed an infraction; for a second violation, be
32 fined not more than one hundred ninety-nine dollars; and, for a third
33 or subsequent violation, be guilty of a class A misdemeanor. The
34 commissioner shall require any person who has committed a first or
35 second violation of the provisions of this subsection to attend a child
36 car seat safety course offered or approved by the Department of Motor
37 Vehicles. The commissioner may, after notice and an opportunity for a
38 hearing, suspend for a period of not more than two months the motor
39 vehicle operator's license of any person who fails to attend or
40 successfully complete the course.

TRA Committee Vote: Yea 22 Nay 2 JF

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Indeterminate Revenue Impact

Affected Agencies: Judicial Department

Municipal Impact: None

Explanation

State Impact:

The bill could result in a revenue impact to the state. Currently, children under the age of four and/or under 40 pounds must use a child restraint system. The bill would change the age requirement for restraint systems to include all children under the age of five without any weight limitations.

Penalties for child restraint requirements are more strict than those for seat belt violations. For seat belt violations, the penalty is an infraction. However, for child restraint requirements, the first violation is an infraction, the second is a criminal fine (not more than \$199), and the third or subsequent violation is a class A misdemeanor (up to a \$2,000 fine and up to one year in prison).

In 1999, according to Judicial Department reports, there were 70,500 offenses for failure to wear a seat belt. Of these, 271 were for children aged 4-15. The revenue collected for this was approximately \$2 million, of which approximately \$6,700 was for children aged 4-15. In

1999, there were 1,436 offenses related to child restraint requirements, which resulted in collection of approximately \$49,000 in revenue. This bill could result in a revenue shift between categories due to a higher number of children falling under the child restraint statute and fewer children falling under the seat belt violation statute. The extent to which this would occur is unknown.

OLR Bill Analysis

SB 426

AN ACT CONCERNING CHILD SAFETY IN MOTOR VEHICLES.**SUMMARY:**

This bill expands requirements for transporting young children in motor vehicles using approved child restraint systems. It requires all children under age five, instead of only children under age four and weighing less than 40 pounds, to be transported in approved child restraint systems. Currently, a child under age four and weighing less than 40 pounds must be transported in such a system, but a child under age four who weighs 40 pounds or more may be transported in a seat safety belt as an alternative to a child restraint system.

EFFECTIVE DATE: October 1, 2000

COMMITTEE ACTION

Transportation Committee

Joint Favorable Report

Yea 22 Nay 2