



## Senate

General Assembly

February Session, 2002

**File No. 20**

Senate Bill No. 85

*Senate, March 8, 2002*

The Committee on Public Health reported through SEN. HARP of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

### **AN ACT CONCERNING CHILD RESTRAINT SYSTEMS.**

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2 general statutes is repealed and the following is substituted in lieu  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 (*Effective October 1, 2002*):

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, as amended, fire fighting apparatus or a vanpool vehicle equipped  
7 with seat safety belts complying with the provisions of the Code of  
8 Federal Regulations, Title 49, Section 571.209, as amended from time to  
9 time, shall wear such seat safety belt while the vehicle is being  
10 operated on the highways of this state, except that a child under the  
11 age of [four] six years shall be restrained as provided in subsection (d)  
12 of this section, as amended by this act. Each operator of such vehicle  
13 shall secure or cause to be secured in a seat safety belt any passenger  
14 [four] six years of age or 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16 repealed and the following is substituted in lieu thereof (*Effective*  
17 *October 1, 2002*):

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

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>

**PH**      *Joint Favorable*

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:**

Fund-Type	Agency Affected	Current FY \$	FY 03 \$	FY 04 \$
GF - Revenue Gain	Judicial Dept.	None	Less than \$7,500	Less than \$10,000
STF - Revenue Gain	Motor Vehicle Dept.	None	Potential Minimal	Potential Minimal

Note: GF=General Fund; STF=Special Transportation Fund

**Municipal Impact:** None

**Explanation**

The bill expands the requirement to transport young children in motor vehicles using approved child restraint systems to include children of four and five years of age. The fine for transporting a child without using an appropriate restraint system is greater than the fine for failing to secure a child using a seat safety belt (*see the table below.*) By expanding the child restraint system requirement, the bill would increase the number of infractions punishable by a \$60 fine rather than a \$37 fine. It would therefore result in a revenue gain to the state.

FY 01 Violations of Current Law Regarding Restraint of Children in Motor Vehicles			
	Prosecuted Offenders	Total Imposed Revenue	Average Revenue
Failure to use a seat belt (4-15 yrs.)	810	\$29,993	\$37
Transporting a child <u>under 4</u> without	673	\$40,196	\$60

using a proper child restraint system			
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The estimated revenue gain to the state is minimal. The number of additional violations that would fall under the expanded category is unknown, but relatively inconsequential in its affect on the amount of revenue from fines. Assuming that one-half of the total offenses for failure to use a seat belt fall under the expanded penalty for transporting a child without using a proper child restraint system, the resulting revenue gain would be less than \$10,000 annually.<sup>1</sup> Since the bill is effective October 1, 2002, the revenue gain in FY 03 would be one quarter less, or about \$7,500.

During FY 01, there were no second offenses and one subsequent offense for failure to require a child to use a proper restraint system. There is no one currently incarcerated for such an offense, and it is not anticipated that passage of the bill would result in any significant impact on the state’s inmate population.

Currently, the Department of Motor Vehicles (DMV) has an annual budget of at least \$12,000 for the Seatbelt Retraining course which services approximately 480 individuals annually. Any increase in the number of individuals who would be eligible to attend the course as the result of the passage of this bill could be accommodated within the existing budgetary resources of the program. It is anticipated that the revenue gain from the \$100 restoration fee from license suspensions could range from \$1,500 to \$2,000 to the Special Transportation Fund annually.

To date, no hearings related to this program have been conducted. Therefore, no impact from this activity is anticipated.

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<sup>1</sup> Calculated as follows: \$23 (the difference between \$60 and \$37) \* 405 (one-half the total offenses for failure to use a seatbelt for a 4-15 year old) = \$9,315.

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**OLR Bill Analysis**

SB 85

**AN ACT CONCERNING CHILD RESTRAINT SYSTEMS****SUMMARY:**

This bill requires all children under age six to be placed in an age- and size-appropriate child restraint system when they are driven in a motor vehicle. The system must be approved in accordance with Motor Vehicle Department (DMV) regulations. The bill also raises from four to six the minimum age when children can begin to use a seat belt.

Under current law, children under age four who weigh less than 40 pounds must be placed in an DMV-approved child restraint system, although not necessarily an age- and size-appropriate one. Children under age four who weigh 40 pounds or more must be placed in an approved restraint system or a seat belt.

By law, a person who is transporting a child who fails to require the child to use the proper restraint system commits an infraction for a first violation and faces a fine of up to \$199 for a second violation. Anyone who commits a first or second violation must attend a DMV car seat safety course. If he does not, the commissioner can suspend his license for up to two months after notice and a hearing. A third or subsequent violation is a class A misdemeanor.

EFFECTIVE DATE: October 1, 2002

**BACKGROUND*****Penalties***

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus an additional fee based on the amount of the fine and a \$20 surcharge. An infraction is not a crime; violators do not have a criminal record.

A class A misdemeanor is punishable by a fine of up to \$2,000, up to

one year in prison, or both.

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Report  
Yea 21 Nay 0