



# Senate

General Assembly

**File No. 304**

*January Session, 2003*

Senate Bill No. 704

*Senate, April 10, 2003*

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 RESTRAINT SYSTEMS.**

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

1 Section 1. Subsection (c) of section 14-100a of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2003*):

4 (c) (1) The operator of and any front seat passenger in a motor  
5 vehicle with a gross vehicle weight rating not exceeding ten thousand  
6 pounds or fire fighting apparatus originally equipped with seat safety  
7 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 eight 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] eight years of age or  
14 older and under sixteen years of age.

15 (2) The provisions of subdivision (1) of this subsection shall not  
16 apply to (A) any person whose physical disability or impairment  
17 would prevent restraint in such safety belt, provided such person  
18 obtains a written statement from a licensed physician containing  
19 reasons for such person's inability to wear such safety belt and  
20 including information concerning the nature and extent of such  
21 condition. Such person shall carry the statement on his or her person  
22 or in the motor vehicle at all times when it is being operated, or (B) an  
23 authorized emergency vehicle, other than fire fighting apparatus,  
24 responding to an emergency call or a motor vehicle operated by a rural  
25 letter carrier of the United States postal service while performing his or  
26 her official duties or by a person engaged in the delivery of  
27 newspapers.

28 (3) Failure to wear a seat safety belt shall not be considered as  
29 contributory negligence nor shall such failure be admissible evidence  
30 in any civil action.

31 (4) On and after February 1, 1986, any person who violates the  
32 provisions of this subsection shall have committed an infraction and  
33 shall be fined fifteen dollars. Points may not be assessed against the  
34 operator's license of any person convicted of such violation.

35 Sec. 2. Subsection (d) of section 14-100a of the general statutes is  
36 repealed and the following is substituted in lieu thereof (Effective  
37 October 1, 2003):

38 (d) (1) Any person who transports a child under the age of four  
39 years, weighing less than forty pounds, in a motor vehicle on the  
40 highways of this state shall provide and require the child to use a child  
41 restraint system approved pursuant to regulations adopted by the  
42 Department of Motor Vehicles in accordance with the provisions of  
43 chapter 54. Any person who transports a child under the age of four  
44 years, weighing forty or more pounds, in a motor vehicle on the  
45 highways of this state shall either provide and require the child to use  
46 an approved child restraint system or require the child to use a seat  
47 safety belt. As used in this subsection, "motor vehicle" does not mean a

48 bus having a tonnage rating of one ton or more. Failure to use a child  
49 restraint system shall not be considered as contributory negligence nor  
50 shall such failure be admissible evidence in any civil action.

51 (2) Any person who transports a child under the age of eight years,  
52 weighing less than eighty pounds, in a motor vehicle on the highways  
53 of this state shall provide and require the child to use a booster seat,  
54 approved pursuant to regulations adopted by the Department of  
55 Motor Vehicles in accordance with the provisions of chapter 54, with a  
56 seat safety belt, except that no person shall restrain a child in a booster  
57 seat if the motor vehicle is not equipped with a safety seat belt that  
58 includes a shoulder belt and otherwise meets the requirements of  
59 subsection (b) of this section. Notwithstanding the provisions of this  
60 subdivision, failure to restrain a child under the age of eight years and  
61 weighing less than eighty pounds with a booster seat and seat safety  
62 belt that includes a shoulder belt is a violation of this subsection. Any  
63 person who transports a child under the age of eight years, weighing  
64 eighty or more pounds, in a motor vehicle on the highways of this state  
65 shall either provide and require the child to use an approved booster  
66 seat with a seat safety belt or require the child to use a seat safety belt.  
67 As used in this subsection, "motor vehicle" does not mean a bus having  
68 a tonnage rating of one ton or more. Failure to use a booster seat shall  
69 not be considered as contributory negligence nor shall such failure be  
70 admissible evidence in any civil action.

71 (3) Any person who violates the provisions of subdivision (1) or (2)  
72 of this subsection shall, for a first violation, have committed an  
73 infraction; for a second violation, be fined not more than one hundred  
74 ninety-nine dollars; and, for a third or subsequent violation, be guilty  
75 of a class A misdemeanor. The commissioner shall require any person  
76 who has committed a first or second violation of the provisions of this  
77 subsection to attend a child car seat safety course offered or approved  
78 by the Department of Motor Vehicles. The commissioner may, after  
79 notice and an opportunity for a hearing, suspend for a period of not  
80 more than two months the motor vehicle operator's license of any  
81 person who fails to attend or successfully complete the course.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

**TRA**      *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:**

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Motor Vehicle Dept.	TF - Cost	17,000	12,000
Motor Vehicle Dept.	TF - Revenue Gain	Indeterminate	Indeterminate
Judicial Dept.	GF - Revenue Gain	Approximately \$7,500	Approximately \$10,000

Note: TF=Transportation Fund; GF=General Fund

**Municipal Impact:** None

**Explanation**

Under current law, children under four, weighing less than forty pounds, are required to use “an approved child restraint system”. This bill requires children under eight, weighing less than eighty pounds to use an approved booster seat, as defined in regulations to be adopted by the Department of Motor Vehicles (DMV).

The first violation of either of the two provisions under Section 14-100d of the general statutes is an infraction carrying a \$60 fine. Any person who commits a first or second violation of this section is required to attend a DMV car safety course.

The DMV anticipates a one-time cost of \$5,000 to contract out for the development of a new course and for materials. (It is anticipated that part of the curriculum will remain the same; however, the new curriculum will have to include the new standards established under the bill). Currently, there are 2,000 violators that enroll in the child restraint safety course for which the DMV budgets \$12,000 annually. Assuming the same number of violators under the provisions of this bill, the DMV anticipates an additional cost of \$12,000 annually to pay for the services of 3 instructors. The regulations can be promulgated

by staff without the need for additional resources. Since the operator's license of an individual who does not attend nor pass the course can be suspended, an indeterminate but minimal revenue gain to the Transportation Fund from the \$100 license restoration fee is anticipated.

Moreover, this bill is expected to generate approximately \$10,000 in additional revenue annually for the General Fund. The average fine imposed for failing to transport a child using an approved child restraint system (\$59) is higher than the average fine imposed for failing to transport a child using a seatbelt (\$37). It is estimated that 450 violations would be reclassified under the bill each year.<sup>1</sup>

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<sup>1</sup> The revenue gain is calculated as follows:  $(\$59 - \$37) * 450 = \$9,900$ .

**OLR Bill Analysis**  
SB 704

**AN ACT CONCERNING CHILD RESTRAINT SYSTEMS**

**SUMMARY:**

This bill requires children from age four to age eight who weigh less than 80 pounds to be secured while riding in a motor vehicle in a booster seat approved by the Department of Motor Vehicles anchored by a seat safety belt that includes a shoulder belt. A child under age eight and weighing 80 pounds or more must be transported in either an approved booster seat anchored by a safety belt or in a safety belt alone.

By law, children under age four already must be transported in an approved child restraint system. Under the bill, a person may restrain a child in a booster seat only when the vehicle’s seat safety belt equipment includes a shoulder belt.

As is the case with the child restraint system requirement, failure to use a booster seat cannot be considered as contributory negligence nor is it admissible in any civil action.

The bill exempts a bus with a tonnage rating of 2,000 pounds or more from the booster seat requirements.

EFFECTIVE DATE: October 1, 2003

**CURRENT AND PROPOSED CHILD RESTRAINT REQUIREMENTS**

The table below shows both the current requirements for restraint of children in motor vehicles and the requirements under the bill.

<i>Current Law</i> <i>(CGS § 14-100a)</i>	<i>SB 704</i>
Driver and all front seat passengers must be secured in seat safety belts	Does not affect this general requirement
Operator must secure ANY child	Operator must secure ANY

from age four through age 15 in a seat safety belt	child from age eight through age 15 in a seat safety belt
Child age three or younger and weighing less than 40 pounds must be secured in an approved child restraint system	Same requirement for children age three or younger and weighing less than 40 pounds. Child from age four through age seven and weighing less than 80 pounds must be transported in approved booster seat anchored by lap-shoulder belt when vehicle is so equipped.
	Child under age eight weighing 80 pounds or more may be transported in either a booster seat with a seat safety belt or in a seat safety belt alone.

**BACKGROUND**

***Booster Seats and Child Restraint Systems***

Booster seats are devices that raise a child’s seating position so that they are properly positioned in a lap-shoulder belt system. Child restraint system is a special seating device for small children within which the child is placed and which is anchored to the seat by means of the seat belt.

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable Report

Yea 16 Nay 10