



# Senate

General Assembly

**File No. 634**

February Session, 2004

Substitute Senate Bill No. 410

*Senate, April 20, 2004*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute 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. Subsections (c) and (d) of section 14-100a of the general  
2 statutes are repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2004*):

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] 49 CFR 571.209, as amended from time  
9 to 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. Each operator of such vehicle shall secure or cause to be  
13 secured in a seat safety belt any passenger [four] six 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 seat 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 seat 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] the motor vehicle is being  
23 operated, or (B) an authorized emergency vehicle, other than fire  
24 fighting apparatus, responding to an emergency call or a motor vehicle  
25 operated by a rural letter carrier of the United States postal service  
26 while performing his or her official duties or by a person engaged in  
27 the delivery of 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 (d) [Any] (1) Except as provided in subdivision (2) of this  
36 subsection, any person who transports a child under the age of [four]  
37 six years, weighing less than [forty] sixty pounds, in a motor vehicle on  
38 the highways of this state shall provide and require the child to use a  
39 child restraint system approved pursuant to regulations adopted by  
40 the Department of Motor Vehicles in accordance with the provisions of  
41 chapter 54. Any person who transports a child under the age of [four]  
42 six years, weighing [forty] sixty or more pounds, in a motor vehicle on  
43 the highways of this state shall either provide and require the child to  
44 use an approved child restraint system or require the child to use a  
45 seat safety belt. As used in this subsection, "motor vehicle" does not  
46 mean a bus having a tonnage rating of one ton or more. Failure to use a  
47 child restraint system shall not be considered as contributory

48 negligence nor shall such failure be admissible evidence in any civil  
49 action.

50 (2) Any person who transports a child under the age of one year or  
51 weighing less than twenty pounds in a motor vehicle on the highways  
52 of this state shall provide and require the child to ride rear-facing in a  
53 child restraint system approved pursuant to regulations adopted by  
54 the Department of Motor Vehicles in accordance with the provisions of  
55 chapter 54.

56 (3) No person who transports a child in a motor vehicle on the  
57 highways of this state shall restrain the child in a booster seat if the  
58 motor vehicle is not equipped with a seat safety belt that includes a  
59 shoulder belt and otherwise meets the requirements of subsection (b)  
60 of this section.

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

This act shall take effect as follows:	
Section 1	October 1, 2004

**JUD**      *Joint Favorable Subst.*

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-Effect	FY 05 \$	FY 06 \$
Motor Vehicle Dept.; Transportation, Dept.	TF	None	None
Children & Families, Dept.	GF - Cost	Minimal	None

Note: TF=Transportation Fund; GF=General Fund

**Municipal Impact:** None

**Explanation**

There is no fiscal impact to the Department of Motor Vehicles and the Department of Transportation as a result of the bill increasing the age and weight requirements for child restraint systems.

The Department of Children and Families will have to purchase a minimal number of additional booster seats given passage of this bill. It is expected that any associated costs will be minimal (no more than \$1,000) and can be accommodated within the agency's anticipated budgetary resources.

**OLR Bill Analysis**

sSB 410

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

This bill (1) extends mandatory seat belt use requirements to all passengers in a vehicle subject to the requirements, not just front seat occupants; (2) extends child restraint system use requirements from children under age four weighing less than 40 pounds to children under age six weighing less than 60 pounds; (3) requires any child under age one or weighing less than 20 pounds to be transported in a rear-facing position in his child restraint system; and (4) requires children restrained in booster seats to be anchored by a seat belt that includes a shoulder belt.

EFFECTIVE DATE: October 1, 2004

**MANDATORY SEAT BELT USE**

Currently, the driver and any front seat passenger in a motor vehicle with a gross vehicle weight rating of up to 10,000 pounds or fire fighting apparatus originally equipped with seat safety belts must wear the belt while the vehicle is being operated. The driver is responsible for assuring that any passenger under age 16 is secured in the seat safety belt. The bill extends these requirements to any passengers in the vehicle, rather than only the front seat occupants. Exceptions continue to apply for people with documented physical disabilities or impairments that prevent belt use, occupants of authorized emergency vehicles other than fire apparatus responding to emergency calls, rural letter carriers, and someone engaged in delivering newspapers.

**CHILD RESTRAINT SYSTEM REQUIREMENTS**

Currently, a person transporting a child under age four weighing less than 40 pounds must secure the child in a child restraint system approved under Department of Motor Vehicles (DMV) regulations. A child under age four weighing 40 pounds or more must be transported in either an approved child restraint system or a seat safety belt. The

bill extends the child restraint system requirements to children under age six weighing less than 60 pounds.

The bill also requires that children be restrained in booster seats only when the restraining seat belt includes a shoulder belt and meets other applicable statutory requirements on belt strength and latch release. Use of a lap belt only is prohibited.

Under the bill, violators of the rear-facing positioning requirement for infants and the booster seat anchorage requirements are subject to the same penalties that apply to current child restraint use violations. The penalties are an infraction for a first offense; a fine of up to \$199 for a second offense; and a fine of up to \$2,000, imprisonment for up to one year, or both (Class A misdemeanor) for a third or subsequent offense. Mandatory attendance at an approved child car seat safety course following a first or second violation is also required.

**BACKGROUND**

***Legislative History***

The Senate referred the bill (File 232) to the Judiciary Committee on March 31. The committee reported it favorably with a technical correction on April 6.

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable Substitute  
Yea 21    Nay 6

Judiciary Committee

Joint Favorable Substitute  
Yea 35    Nay 2