



General Assembly

February Session, 2004

Raised Bill No. 410

LCO No. 1263

01263_____TRA

Referred to Committee on Transportation

Introduced by:
(TRA)

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2 repealed and the following is substituted in lieu thereof (*Effective*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, 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 years shall be restrained as provided in subsection (d) of
12 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 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, 2004*):

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 six years,
52 weighing less than sixty pounds, in a motor vehicle on the highways of
53 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 six years and
61 weighing less than sixty pounds with a booster seat and seat safety belt
62 that includes a shoulder belt is a violation of this subsection. Any
63 person who transports a child under the age of six years, weighing
64 sixty 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 subdivision (1) or (2) of
72 this subsection shall, for a first violation, have committed an infraction;
73 for a second violation, be fined not more than one hundred ninety-nine
74 dollars; and, for a third or subsequent violation, be guilty of a class A
75 misdemeanor. The commissioner shall require any person who has
76 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.

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| This act shall take effect as follows: | |
| Section 1 | <i>October 1, 2004</i> |
| Sec. 2 | <i>October 1, 2004</i> |

Statement of Purpose:

To require the use of booster seats in motor vehicles for children under the age of six and weighing less than sixty pounds and to require the use of safety seat belts for passengers in the rear seat of a motor vehicle.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]