



General Assembly

Substitute Bill No. 410

February Session, 2004

* SB00410TRA 031004 *

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2 repealed and the following is substituted in lieu thereof (*Effective*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] six
39 years, weighing less than [forty] sixty pounds, in a motor vehicle on
40 the highways of this state shall provide and require the child to use a
41 child restraint system approved pursuant to regulations adopted by
42 the 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 six years, weighing [forty] sixty or more pounds, in a motor vehicle on
45 the highways of this state shall either provide and require the child to
46 use an approved child restraint system or require the child to use a
47 seat safety belt. As used in this subsection, "motor vehicle" does not
48 mean a bus having a tonnage rating of one ton or more. Failure to use a
49 child restraint system shall not be considered as contributory
50 negligence nor shall such failure be admissible evidence in any civil
51 action.

52 (2) Any person who transports a child under the age of one year or

53 weighing less than twenty pounds in a motor vehicle on the highways
54 of this state shall provide and require the child to ride rear-facing in a
55 child restraint system approved pursuant to regulations adopted by
56 the Department of Motor Vehicles, in accordance with the provisions
57 of chapter 54.

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

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

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

TRA *Joint Favorable Subst.*