



House of Representatives

File No. 499

General Assembly

January Session, 2005

(Reprint of File No. 27)

Substitute House Bill No. 6660
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 21, 2005

AN ACT CONCERNING CHILD RESTRAINT SYSTEMS.

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

1 Section 1. Section 14-100a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) No new passenger motor vehicle may be sold or registered in
4 this state unless equipped with at least two sets of seat safety belts for
5 the front and rear seats of the motor vehicle, which belts comply with
6 the requirements of subsection (b) of this section. The anchorage unit
7 at the attachment point shall be of such construction, design and
8 strength as to support a loop load strength of not less than four
9 thousand pounds for each belt.

10 (b) No seat safety belt may be sold for use in connection with the
11 operation of a motor vehicle on any highway of this state unless it is so
12 constructed and installed as to have a loop strength through the
13 complete attachment of not less than four thousand pounds, and the
14 buckle or closing device shall be of such construction and design that
15 after it has received the aforesaid loop belt load it can be released with

16 one hand with a pull of less than forty-five pounds.

17 (c) (1) The operator of and any front seat passenger in a motor
18 vehicle with a gross vehicle weight rating not exceeding ten thousand
19 pounds or fire fighting apparatus originally equipped with seat safety
20 belts complying with the provisions of the Code of Federal
21 Regulations, Title 49, Section 571.209, as amended from time to time,
22 shall wear such seat safety belt while the vehicle is being operated on
23 the highways of this state, except that a child [under the age of four
24 years] six years of age and under shall be restrained as provided in
25 subsection (d) of this section. Each operator of such vehicle shall secure
26 or cause to be secured in a seat safety belt any passenger [four] seven
27 years of age or older and under sixteen years of age.

28 (2) The provisions of subdivision (1) of this subsection shall not
29 apply to (A) any person whose physical disability or impairment
30 would prevent restraint in such safety belt, provided such person
31 obtains a written statement from a licensed physician containing
32 reasons for such person's inability to wear such safety belt and
33 including information concerning the nature and extent of such
34 condition. Such person shall carry the statement on his or her person
35 or in the motor vehicle at all times when it is being operated, or (B) an
36 authorized emergency vehicle, other than fire fighting apparatus,
37 responding to an emergency call or a motor vehicle operated by a rural
38 letter carrier of the United States postal service while performing his or
39 her official duties or by a person engaged in the delivery of
40 newspapers.

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

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

48 (d) (1) Any person who transports a child [under the age of four
49 years,] six years of age and under or weighing less than [forty] sixty
50 pounds, in a motor vehicle on the highways of this state shall provide
51 and require the child to use a child restraint system approved pursuant
52 to regulations adopted by the Department of Motor Vehicles in
53 accordance with the provisions of chapter 54. Any person who
54 transports a child [under the age of four years,] seven years of age or
55 older and weighing [forty] sixty or more pounds, in a motor vehicle on
56 the highways of this state shall either provide and require the child to
57 use an approved child restraint system or require the child to use a
58 seat safety belt. As used in this subsection, "motor vehicle" does not
59 mean a bus having a tonnage rating of one ton or more. Failure to use a
60 child restraint system shall not be considered as contributory
61 negligence nor shall such failure be admissible evidence in any civil
62 action.

63 (2) Any person who transports a child under one year of age or
64 weighing less than twenty pounds in a motor vehicle on the highways
65 of this state shall provide and require the child to ride rear-facing in a
66 child restraint system approved pursuant to regulations that the
67 Department of Motor Vehicles shall adopt in accordance with the
68 provisions of chapter 54.

69 (3) Notwithstanding the provisions of subdivision (1) of this
70 subsection, any person who transports a child four years of age or
71 older in a student transportation vehicle, as defined in section 14-212,
72 on the highways of this state shall either provide and require the child
73 to use an approved child restraint system or require the child to use a
74 seat safety belt. Any person who transports a child under four years of
75 age weighing less than forty pounds in a student transportation
76 vehicle on the highways of this state shall provide and require the
77 child to use a child restraint system approved pursuant to regulations
78 adopted by the Department of Motor Vehicles in accordance with the
79 provisions of chapter 54.

80 (4) No person shall restrain a child in a booster seat unless the motor

81 vehicle is equipped with a safety seat belt that includes a shoulder belt
82 and otherwise meets the requirement of subsection (b) of this section.

83 (5) Any person who violates the provisions of subdivision (1), (2),
84 (3) or (4) of this subsection shall, for a first violation, have committed
85 an infraction; for a second violation, be fined not more than one
86 hundred ninety-nine dollars; and, for a third or subsequent violation,
87 be guilty of a class A misdemeanor. The commissioner shall require
88 any person who has committed a first or second violation of the
89 provisions of this subsection to attend a child car seat safety course
90 offered or approved by the Department of Motor Vehicles. The
91 commissioner may, after notice and an opportunity for a hearing,
92 suspend for a period of not more than two months the motor vehicle
93 operator's license of any person who fails to attend or successfully
94 complete the course.

95 (e) The commissioner shall administer the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	14-100a

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 06 \$	FY 07 \$
Department of Motor Vehicles	TF - None	None	None
Judicial Dept.	GF - Revenue Gain	Minimal	Minimal

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 altering the age and weight requirements of child restraint systems.

There will be a minimal revenue gain (less than \$50,000) to the Judicial Department due to anticipated additional violations.

House "A" (LCO 5459) eliminated a cost in the original bill, which was due to requiring school districts to utilize additional child restraint systems in student transportation vehicles.

OLR Bill Analysis

sHB 6660 (as amended by House "A")*

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

This bill (1) with one exception, extends child restraint system use requirements from children under age four weighing less than 40 pounds to children under age seven or who weigh less than 60 pounds, regardless of age; (2) 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 (3) requires children restrained in booster seats to be anchored by a seat belt that includes a shoulder belt.

*House Amendment "A" eliminates the bill's expanded child restraint system requirement for children over age four but weighing less than 40 pounds being transported in student transportation vehicles, thus restoring current law requirements for children being transported in these vehicles.

EFFECTIVE DATE: October 1, 2005

CHILD RESTRAINT SYSTEM REQUIREMENTS***General Requirement***

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 driver must assure that any child passenger age four through age 15 is secured in a seat safety belt.

The bill extends the child restraint system requirements to children under age seven or weighing less than 60 pounds, regardless of their age, except for children being transported in a student transportation

vehicle. Children age seven or older and weighing 60 pounds or more may be transported in either a child restraint system or seat safety belt.

Children transported in student transportation vehicles remain under the current law's requirements, i.e., use of a child restraint system if the child is under age four and under 40 pounds. It also provides the additional option of transporting a child age four or older in either a child restraint system or a seat belt, instead of only a seat belt, in such vehicles.

Other Requirements

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 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 is required following a first or second violation of any of the child restraint requirements.

BACKGROUND

Student Transportation Vehicles

The law defines a "student transportation vehicle" as any motor vehicle, other than a registered school bus, used by a carrier for transporting students, including children requiring special education. A "carrier" is (1) a local or regional school district; any educational institution providing elementary or secondary education, or any person, firm, or corporation under contract to such a district or institution engaged in the business of transporting school children; (2) any person, firm, or corporation providing transportation for compensation exclusively to people under age 21; or (3) any corporation, institution, or nonprofit organization providing transportation as an ancillary service primarily to people under age 18.

Legislative History

The House referred the bill (File 27) to the Planning and Development Committee on March 16 and the committee reported it favorably on March 28. The House then referred it to the Judiciary Committee on April 5 and the committee reported it favorably on April 12.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute
Yea 22 Nay 2

Planning and Development Committee

Joint Favorable Report
Yea 18 Nay 0

Judiciary Committee

Joint Favorable Report
Yea 34 Nay 3