

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0248.01 Josh Schultz x5486

HOUSE BILL 24-1055

HOUSE SPONSORSHIP

Froelich and Pugliese, Lindstedt, Taggart

SENATE SPONSORSHIP

Winter F. and Priola, Cutter, Exum, Jaquez Lewis

House Committees

Transportation, Housing & Local Government
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING IMPROVING CHILD PASSENGER SAFETY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Transportation Legislation Review Committee. The bill creates the child passenger safety education and distribution grant program (grant program) within the department of transportation (department). The department is required to promulgate rules specifying the time frames for applying for grants, the form of the grant program application, the criteria for determining who is eligible for the grant program, the criteria the department shall consider in awarding grants, and the deadlines for distributing grant money.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

Grant recipients shall use the money received through the grant program for the following purposes:

- To provide funding for the certification or recertification of child passenger safety technicians;
- To educate families on the child passenger safety laws; or
- To create child restraint system distribution programs for families of children who do not have a legally compliant child restraint system.

The bill creates the child passenger safety education and distribution grant program fund (fund) to pay for the grant program. The fund consists of general fund money and any other gifts, grants, or donations that the department receives. The department may use money from the fund to pay the direct and indirect costs that the department incurs to administer the grant program.

The bill changes the child restraint system requirements in existing law as follows:

- Increases the age at which children are required to use a child restraint system from under 8 years of age to under 9 years of age and adds that a child under 57 inches in height, regardless of age, must use a child restraint system;
- Increases the age, from under one year of age to under 2 years of age, and the weight, from under 20 pounds to under 40 pounds, of children who must be restrained in a rear-facing child restraint system in a rear seat of the vehicle;
- Increases the age, from one year of age or older to 2 years of age or older, of children who must be restrained in a rear-facing or forward-facing child restraint system in a rear seat of the vehicle, if a rear seat is available;
- Adds a requirement that children who are at least 4 years of age but under 9 years of age and who weigh at least 40 pounds utilize a booster seat, which must be situated in a rear seat of the vehicle, if a rear seat is available; and
- Adds a requirement that children who are at least 9 years of age but under 13 years of age sit in the rear seat of a vehicle, if a rear seat is available, and be properly secured with a safety belt.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Cars remain a leading cause of death for children in Colorado;

1 from 2015 to 2019, 48 children under age eight were killed in passenger
2 vehicle crashes. The Colorado department of transportation estimates that
3 59% to nearly 84% of children are improperly restrained while riding in
4 a vehicle.

5 (b) According to data from the federal centers for disease control
6 and prevention, American Indian and Alaska Native children and Black
7 children are more likely to be killed in a crash than white children.
8 Children in rural areas are also typically at higher risk, as studies indicate
9 that children in rural areas are more likely to be incorrectly restrained than
10 children in urban areas.

11 (c) In 2018, the American Academy of Pediatrics updated its child
12 passenger safety best practice recommendations to optimize safety in
13 passenger vehicles for children from birth through adolescence.
14 Colorado's child passenger safety laws related to car seats, booster seats,
15 and seat belt requirements have not been updated in over a decade and
16 have fallen behind in ensuring children in Colorado are as safe as possible
17 if or when a motor vehicle crash occurs.

18 (d) It is critical for families to have timely access to replacement
19 car seats following an accident and when children have medically
20 complex needs requiring specialized adaptive car seats; and

21 (e) Twenty-three states, the District of Columbia, and the United
22 States Virgin Islands require children younger than 2 years old to be in a
23 rear-facing child safety seat. Research shows that children aged 0 to 4
24 years are less likely to be injured in a motor vehicle crash if they are
25 restrained in a rear-facing car seat, as opposed to a forward-facing car
26 seat.

27 (2) Therefore, the general assembly further declares that it is in

1 the best interest of the state of Colorado to modernize child passenger
2 safety laws and provide education and child restraint system distribution
3 programs to parents and caregivers to ensure children in Colorado are as
4 safe as possible when traveling in a motor vehicle.

5 **SECTION 2.** In Colorado Revised Statutes, **add** part 28 to article
6 33.5 of title 24 as follows:

7 **PART 28**

8 **CHILD PASSENGER SAFETY EDUCATION AND**
9 **DISTRIBUTION GRANT PROGRAM**

10 **24-33.5-2801. Short title.** THE SHORT TITLE OF THIS PART 28 IS
11 THE "CHILD PASSENGER SAFETY EDUCATION AND DISTRIBUTION GRANT
12 PROGRAM ACT".

13 **24-33.5-2802. Definitions.** AS USED IN THIS PART 28, UNLESS THE
14 CONTEXT OTHERWISE REQUIRES:

15 (1) "CHILD RESTRAINT SYSTEM" MEANS A SPECIALLY DESIGNED
16 SEATING SYSTEM THAT:

17 (a) IS DESIGNED TO PROTECT, HOLD, OR RESTRAIN A CHILD IN A
18 MOTOR VEHICLE IN SUCH A WAY AS TO PREVENT OR MINIMIZE INJURY TO
19 THE CHILD IN THE EVENT OF A MOTOR VEHICLE ACCIDENT;

20 (b) IS EITHER PERMANENTLY AFFIXED TO A MOTOR VEHICLE OR IS
21 AFFIXED TO SUCH VEHICLE BY A SAFETY BELT OR A UNIVERSAL
22 ATTACHMENT SYSTEM; AND

23 (c) MEETS THE FEDERAL MOTOR VEHICLE SAFETY STANDARDS SET
24 FORTH IN 49 CFR 571.213, AS AMENDED.

25 (2) "FUND" MEANS THE CHILD PASSENGER SAFETY EDUCATION AND
26 DISTRIBUTION GRANT PROGRAM FUND CREATED IN SECTION 24-33.5-2805.

27 (3) "GRANT PROGRAM" MEANS THE CHILD PASSENGER SAFETY

1 EDUCATION AND DISTRIBUTION GRANT PROGRAM CREATED IN SECTION
2 24-33.5-2803.

3 **24-33.5-2803. Child passenger safety education and**
4 **distribution grant program - created - rules.** (1) FOR PURPOSES OF
5 KEEPING CHILDREN AS SAFE AS POSSIBLE WHEN TRAVELING IN A MOTOR
6 VEHICLE AND MINIMIZING THE RISK OF SERIOUS INJURY OR DEATH TO
7 CHILDREN WHEN INVOLVED IN A MOTOR VEHICLE ACCIDENT, THERE IS
8 CREATED WITHIN THE DEPARTMENT THE CHILD PASSENGER SAFETY
9 EDUCATION AND DISTRIBUTION GRANT PROGRAM TO PROVIDE GRANTS TO
10 FINANCE TRAINING FOR CERTIFIED CHILD PASSENGER SAFETY
11 TECHNICIANS; ENHANCE PARENT AND CAREGIVER AWARENESS AND
12 EDUCATION ON PROPER CHILD RESTRAINT SYSTEM USAGE; AND PROVIDE
13 EQUITABLE ACCESS TO CHILD RESTRAINT SYSTEMS, SUCH AS CAR SEATS
14 AND BOOSTER SEATS, TO PARENTS AND CAREGIVERS WHO DO NOT HAVE A
15 LEGALLY COMPLIANT CHILD RESTRAINT SYSTEM.

16 (2) ELIGIBLE GRANT APPLICANTS INCLUDE COMMUNITY-BASED
17 ORGANIZATIONS, HOSPITALS, LOCAL PUBLIC HEALTH DEPARTMENTS, FIRE
18 DEPARTMENTS, FIRE PROTECTION DISTRICTS, FIRE AUTHORITIES,
19 GOVERNMENTAL ENTITIES, NONPROFIT ORGANIZATIONS, AND EMERGENCY
20 MEDICAL SERVICE PROVIDERS.

21 (3) GRANT RECIPIENTS SHALL USE THE MONEY RECEIVED THROUGH
22 THE GRANT PROGRAM FOR THE FOLLOWING PURPOSES:

23 (a) TO PROVIDE FUNDING FOR NATIONAL CERTIFICATION OR
24 RECERTIFICATION OF CHILD PASSENGER SAFETY TECHNICIANS THROUGH
25 THE NATIONAL CHILD PASSENGER SAFETY CERTIFICATION TRAINING
26 PROGRAM;

27 (b) TO EDUCATE FAMILIES AND CAREGIVERS ON THE COLORADO

1 CHILD PASSENGER RESTRAINT LAWS, SAFEST PRACTICES, AND
2 PERSONALIZED CHILD RESTRAINT SYSTEM SAFETY INSTALLATION
3 INSTRUCTIONS TO PROTECT INFANTS AND CHILDREN;

4 (c) TO PROVIDE LANGUAGE TRANSLATION SERVICES IN MULTIPLE
5 LANGUAGES FOR PARENT AND CAREGIVER AWARENESS AND EDUCATION
6 ON PROPER CHILD RESTRAINT SYSTEM USAGE; OR

7 (d) TO CREATE CHILD RESTRAINT SYSTEM DISTRIBUTION
8 PROGRAMS FOR FAMILIES OF CHILDREN WHO DO NOT HAVE A LEGALLY
9 COMPLIANT CHILD RESTRAINT SYSTEM.

10 (4) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM
11 AND, SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS
12 PROVIDED IN THIS PART 28. GRANTS MUST BE PAID OUT OF THE FUND.

13 (5) (a) THE EXECUTIVE DIRECTOR SHALL IMPLEMENT THE GRANT
14 PROGRAM IN ACCORDANCE WITH THIS PART 28. PURSUANT TO ARTICLE 4
15 OF THIS TITLE 24, BY JANUARY 1, 2025, THE EXECUTIVE DIRECTOR SHALL
16 PROMULGATE SUCH RULES AS ARE REQUIRED IN THIS SUBSECTION (5) AND
17 SUCH ADDITIONAL RULES AS MAY BE NECESSARY TO IMPLEMENT THE
18 GRANT PROGRAM. AT A MINIMUM, THE RULES MUST SPECIFY THE TIME
19 FRAMES FOR APPLYING FOR GRANTS, THE FORM OF THE GRANT PROGRAM
20 APPLICATION, THE CRITERIA FOR DETERMINING ELIGIBILITY FOR THE
21 GRANT PROGRAM, THE CRITERIA THE DEPARTMENT SHALL CONSIDER IN
22 AWARDING GRANTS, INFORMATION GRANT RECIPIENTS MUST INCLUDE IN
23 REPORTS PURSUANT TO SECTION 43-5-604, AND THE DEADLINES FOR
24 DISTRIBUTING GRANT MONEY.

25 (b) THE DEPARTMENT SHALL WORK IN COLLABORATION WITH THE
26 COLORADO STATE PATROL, THE DEPARTMENT OF TRANSPORTATION, THE
27 DEPARTMENT OF EARLY CHILDHOOD, AND THE DEPARTMENT OF PUBLIC

1 HEALTH AND ENVIRONMENT IN DEVELOPING RULES FOR THE GRANT
2 PROGRAM AND IN IMPLEMENTING, MANAGING, AND REPORTING ON THE
3 GRANT PROGRAM.

4 (6) TO RECEIVE A GRANT, AN ELIGIBLE APPLICANT MUST SUBMIT
5 AN APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH RULES
6 DEVELOPED PURSUANT TO SUBSECTION (5) OF THIS SECTION.

7 (7) IN AWARDING GRANTS, THE DEPARTMENT SHALL PRIORITIZE
8 ELIGIBLE APPLICANTS SERVING UNDERSERVED COMMUNITIES, INCLUDING
9 THOSE COMMUNITIES IN WHICH ENGLISH IS NOT THE PRIMARY LANGUAGE,
10 LOW-INCOME AREAS OF THE STATE, AND RURAL AREAS OF THE STATE, TO
11 PROMOTE EQUITABLE ACCESS TO CHILD RESTRAINT SYSTEMS.

12 **24-33.5-2804. Reporting requirements.** (1) ON OR BEFORE
13 MARCH 1, 2026, AND ON OR BEFORE MARCH 1 EACH YEAR THEREAFTER,
14 EACH PERSON THAT RECEIVES A GRANT THROUGH THE GRANT PROGRAM
15 SHALL SUBMIT A REPORT TO THE DEPARTMENT. AT A MINIMUM, THE
16 REPORT MUST INCLUDE THE FOLLOWING INFORMATION:

17 (a) FOR ANY GRANT RECIPIENT USING FUNDS FOR CHILD RESTRAINT
18 SYSTEM DISTRIBUTION, DE-IDENTIFIED AND AGGREGATED DATA ON THE
19 DEMOGRAPHICS OF FAMILIES WHO RECEIVE CHILD RESTRAINT SYSTEMS
20 THROUGH THE GRANT PROGRAM, INCLUDING THE FAMILIES' LOCATIONS
21 AND INCOMES; AND

22 (b) ANY OTHER INFORMATION THE DEPARTMENT MAY REQUIRE BY
23 RULE.

24 (2) ON OR BEFORE DECEMBER 1, 2026, AND ON OR BEFORE
25 DECEMBER 1 EACH YEAR THEREAFTER FOR THE DURATION OF THE GRANT
26 PROGRAM, THE DEPARTMENT SHALL SUBMIT A SUMMARIZED REPORT ON
27 THE GRANT PROGRAM TO THE HOUSE OF REPRESENTATIVES

1 TRANSPORTATION, HOUSING, AND LOCAL GOVERNMENT COMMITTEE AND
2 THE SENATE TRANSPORTATION AND ENERGY COMMITTEE, OR THEIR
3 SUCCESSOR COMMITTEES. BEGINNING IN JANUARY 2027, AND IN JANUARY
4 EVERY YEAR THEREAFTER, THE DEPARTMENT SHALL INCLUDE, AS PART OF
5 ITS PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY
6 SECTION 2-7-203, THE SUMMARIZED REPORT ON THE GRANT PROGRAM. AT
7 A MINIMUM, THE REPORT MUST INCLUDE:

- 8 (a) INFORMATION ON THE GRANT RECIPIENTS;
- 9 (b) INFORMATION ON HOW RECIPIENTS USED THE GRANT MONEY,
10 INCLUDING THE NUMBER OF CERTIFIED CHILD PASSENGER SAFETY
11 TECHNICIANS TRAINED, THE TYPE AND NUMBER OF EDUCATIONAL
12 OPPORTUNITIES PROVIDED TO FAMILIES, AND THE NUMBER OF CHILD
13 RESTRAINT SYSTEMS DISTRIBUTED; AND
- 14 (c) ANY OTHER MEASURABLE OUTCOMES THAT THE DEPARTMENT
15 DEEMS APPROPRIATE.

16 (3) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
17 REPORTING REQUIREMENTS SET FORTH IN THIS SECTION CONTINUE UNTIL
18 THE GRANT PROGRAM REPEALS PURSUANT TO SECTION 24-33.5-2806.

19 **24-33.5-2805. The child passenger safety education and**
20 **distribution grant program fund - created - appropriation.**

21 (1)(a) THERE IS CREATED IN THE STATE TREASURY THE CHILD PASSENGER
22 SAFETY EDUCATION AND DISTRIBUTION GRANT PROGRAM FUND. THE FUND
23 CONSISTS OF ANY MONEY APPROPRIATED OR TRANSFERRED TO THE FUND
24 BY THE GENERAL ASSEMBLY AND ANY GIFTS, GRANTS, OR DONATIONS TO
25 THE DEPARTMENT FOR USE FOR THE GRANT PROGRAM FROM PRIVATE OR
26 PUBLIC SOURCES FOR THE PURPOSES OF THIS PART 28.

27 (b) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS,

1 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
2 PURPOSES OF THIS PART 28. ALL PRIVATE AND PUBLIC MONEY RECEIVED
3 THROUGH GIFTS, GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE
4 STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

5 (2) MONEY IN THE FUND IS SUBJECT TO ANNUAL APPROPRIATION
6 BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR THE PURPOSES
7 SPECIFIED IN THIS PART 28. THE DEPARTMENT MAY USE A PORTION OF THE
8 MONEY ANNUALLY APPROPRIATED FOR THE GRANT PROGRAM TO PAY THE
9 DIRECT AND INDIRECT COSTS THAT THE DEPARTMENT INCURS TO
10 ADMINISTER THE GRANT PROGRAM.

11 (3) ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING
12 IN THE FUND AT THE END OF ANY STATE FISCAL YEAR REMAINS IN THE
13 FUND AND SHALL NOT BE TRANSFERRED TO THE GENERAL FUND OR ANY
14 OTHER FUND.

15 (4) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED
16 AND UNENCUMBERED MONEY IN THE FUND ON AUGUST 31, 2030, TO THE
17 GENERAL FUND.

18 (5) FOR THE 2024-25 STATE FISCAL YEAR AND EACH STATE FISCAL
19 YEAR THEREAFTER UNTIL THE GRANT PROGRAM REPEALS PURSUANT TO
20 SECTION 24-33.5-2806, THE GENERAL ASSEMBLY SHALL APPROPRIATE TWO
21 HUNDRED FIFTY THOUSAND DOLLARS FROM THE GENERAL FUND TO THE
22 FUND FOR THE PURPOSE OF IMPLEMENTING AND ADMINISTERING THE
23 GRANT PROGRAM.

24 **24-33.5-2806. Repeal of part.** THIS PART 28 IS REPEALED,
25 EFFECTIVE SEPTEMBER 1, 2030.

26 **SECTION 3.** In Colorado Revised Statutes, 24-75-402, **add**
27 (5)(eee) as follows:

1 **24-75-402. Cash funds - limit on uncommitted reserves -**
2 **reduction in the amount of fees - exclusions - definitions.**

3 (5) Notwithstanding any provision of this section to the contrary, the
4 following cash funds are excluded from the limitations specified in this
5 section:

6 (eee) THE CHILD PASSENGER SAFETY EDUCATION AND
7 DISTRIBUTION GRANT PROGRAM FUND CREATED IN SECTION 24-33.5-2805.

8 **SECTION 4.** In Colorado Revised Statutes, 42-4-236, **amend**
9 (2)(a), (2)(b), and (3)(b); and **add** (12) as follows:

10 **42-4-236. Child restraint systems required - definitions -**
11 **exemptions.** (2) (a) (I) Unless exempted pursuant to subsection (3) of
12 this section and except as otherwise provided in ~~subparagraphs (H) and~~
13 ~~(HH) of this paragraph (a)~~ SUBSECTIONS (2)(a)(II), (2)(a)(III), AND
14 (2)(a)(IV) OF THIS SECTION, every child who is under ~~eight~~ NINE years of
15 age and who is being transported in this state in a motor vehicle or in a
16 vehicle operated by a child care center shall be properly restrained in a
17 child restraint system according to the manufacturer's instructions.

18 (II) If the child is less than ~~one year~~ TWO YEARS of age, and
19 ~~weighs less than twenty pounds~~, the child shall be properly restrained in
20 ~~a rear-facing child restraint system~~ in a rear seat of the vehicle, IF A REAR
21 SEAT IS AVAILABLE, AND:

22 (A) IN A REAR-FACING CHILD RESTRAINT SYSTEM IF THE CHILD
23 WEIGHS UNDER FORTY POUNDS; OR

24 (B) IN A REAR-FACING OR FORWARD-FACING CHILD RESTRAINT
25 SYSTEM IF THE CHILD WEIGHS FORTY POUNDS OR MORE.

26 (III) If the child is ~~one year~~ TWO YEARS of age or older, but less
27 than four years of age, and weighs ~~less than forty pounds~~, but at least

1 twenty pounds, the child shall be properly restrained: ~~in a rear-facing or~~
2 ~~forward-facing child restraint system.~~

3 (A) IN A REAR-FACING OR FORWARD-FACING CHILD RESTRAINT
4 SYSTEM; AND

5 (B) IN THE REAR SEAT OF A VEHICLE, IF A REAR SEAT IS AVAILABLE.

6 (IV) IF THE CHILD IS FOUR YEARS OF AGE OR OLDER, BUT LESS
7 THAN NINE YEARS OF AGE, AND WEIGHS AT LEAST FORTY POUNDS, THE
8 CHILD SHALL BE PROPERLY RESTRAINED:

9 (A) IN A CHILD RESTRAINT SYSTEM OR BOOSTER SEAT; AND

10 (B) IN THE REAR SEAT OF A VEHICLE, IF A REAR SEAT IS AVAILABLE.

11 (b) Unless excepted pursuant to subsection (3) of this section,
12 every child who is at least ~~eight~~ NINE years of age but less than sixteen
13 years of age who is being transported in this state in a motor vehicle or in
14 a vehicle operated by a child care center shall be properly restrained in a
15 safety belt or child restraint system according to the manufacturer's
16 instructions.

17 (3) Except as provided in section 42-2-105.5 (4), subsection (2)
18 of this section does not apply to a child who:

19 (b) Is less than ~~eight~~ NINE years of age and is being transported in
20 a motor vehicle as a result of a medical or other life-threatening
21 emergency and a child restraint system is not available;

22 (12) A COURT MAY WAIVE THE PENALTY ISSUED PURSUANT TO
23 SUBSECTION (7) OF THIS SECTION IF, AT THE TIME OF THE COURT
24 APPEARANCE, THE DEFENDANT PRESENTS THE COURT WITH EVIDENCE OF
25 HAVING MET WITH A CERTIFIED CHILD PASSENGER SAFETY TECHNICIAN.

26 **SECTION 5. Safety clause.** The general assembly finds,
27 determines, and declares that this act is necessary for the immediate

- 1 preservation of the public peace, health, or safety or for appropriations for
- 2 the support and maintenance of the departments of the state and state
- 3 institutions.