

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 24-0248.01 Josh Schultz x5486

HOUSE BILL 24-1055

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House Committees

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Appropriations

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Transportation & Energy

SENATE
3rd Reading Unamended
May 6, 2024

SENATE
2nd Reading Unamended
May 4, 2024

HOUSE
3rd Reading Unamended
May 3, 2024

HOUSE
Amended 2nd Reading
May 2, 2024

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.

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

5 **42-4-236. Child restraint systems required - definitions -**
6 **exemptions.** (2) (a) (I) Unless exempted pursuant to subsection (3) of
7 this section and except as otherwise provided in ~~subparagraphs (H) and~~
8 ~~(HH) of this paragraph (a)~~ SUBSECTIONS (2)(a)(II), (2)(a)(III), AND
9 (2)(a)(IV) OF THIS SECTION, every child who is under ~~eight~~ NINE years of
10 age and who is being transported in this state in a motor vehicle or in a
11 vehicle operated by a child care center shall be properly restrained in a
12 child restraint system according to the manufacturer's instructions.

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

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

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

21 (III) If the child is ~~one year~~ TWO YEARS of age or older, but less
22 than four years of age, and weighs ~~less than forty pounds~~, but at least
23 twenty pounds, the child shall be properly restrained: ~~in a rear-facing or~~
24 ~~forward-facing child restraint system.~~

25 (A) IN A REAR-FACING OR FORWARD-FACING CHILD RESTRAINT
26 SYSTEM; AND

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

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

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

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

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

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

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

17 (4) The division of highway safety shall USE EXISTING NATIONAL
18 HIGHWAY TRAFFIC SAFETY ADMINISTRATION OCCUPANT PROTECTION
19 GRANT FUNDS TO implement a program for public information and
20 education concerning UPDATES TO CHILD RESTRAINT SYSTEM
21 REQUIREMENTS, the use of child restraint systems, and the provisions of
22 this section.

23 **SECTION 3. Effective date.** This act takes effect January 1,
24 2025.

25 **SECTION 4. Safety clause.** The general assembly finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.