

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
9/12/23

Bill 4

LLS NO. 24-0248.01 Josh Schultz x5486

INTERIM COMMITTEE BILL

Transportation Legislation Review Committee

BILL TOPIC: Child Passenger Safety And Education

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.

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words 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 two be in a
23 rear-facing child safety seat. Research shows that children aged 0-4 years
24 are less likely to be injured in a motor vehicle crash if they are restrained
25 in a rear-facing car seat, as opposed to a forward-facing car seat.

26 (2) Therefore, the general assembly further declares that it is in
27 the best interest of the state of Colorado to modernize child passenger

1 safety laws and provide education and child restraint system distribution
2 programs to parents and caregivers to ensure children in Colorado are as
3 safe as possible when traveling in a motor vehicle.

4 **SECTION 2.** In Colorado Revised Statutes, **add** part 6 to article
5 of title 43 as follows:

6 PART 6

7 CHILD PASSENGER SAFETY EDUCATION AND
8 DISTRIBUTION GRANT PROGRAM

9 **43-5-601. Short title.** THE SHORT TITLE OF THIS PART 6 IS THE
10 "CHILD PASSENGER SAFETY EDUCATION AND DISTRIBUTION GRANT
11 PROGRAM ACT".

12 **43-5-602. Definitions.** AS USED IN THIS PART 6, UNLESS THE
13 CONTEXT OTHERWISE REQUIRES:

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

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

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

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

24 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION
25 CREATED IN SECTION 43-1-103.

26 (3) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
27 THE DEPARTMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

1 (4) "FUND" MEANS THE CHILD PASSENGER SAFETY EDUCATION AND
2 DISTRIBUTION GRANT PROGRAM FUND CREATED IN SECTION 43-5-605.

3 (5) "GRANT PROGRAM" MEANS THE CHILD PASSENGER SAFETY
4 EDUCATION AND DISTRIBUTION GRANT PROGRAM CREATED IN SECTION
5 43-5-603.

6 **43-5-603. Child passenger safety education and distribution**
7 **grant program - created - rules.** (1) FOR PURPOSES OF KEEPING
8 CHILDREN AS SAFE AS POSSIBLE WHEN TRAVELING IN A MOTOR VEHICLE
9 AND MINIMIZING THE RISK OF SERIOUS INJURY OR DEATH TO CHILDREN
10 WHEN INVOLVED IN A MOTOR VEHICLE ACCIDENT, THERE IS HEREBY
11 CREATED WITHIN THE DEPARTMENT THE CHILD PASSENGER SAFETY
12 EDUCATION AND DISTRIBUTION GRANT PROGRAM TO PROVIDE GRANTS TO
13 FUND TRAINING FOR CERTIFIED CHILD PASSENGER SAFETY TECHNICIANS;
14 ENHANCE PARENT AND CAREGIVER AWARENESS AND EDUCATION ON
15 PROPER CHILD RESTRAINT SYSTEM USAGE; AND PROVIDE EQUITABLE
16 ACCESS TO CHILD RESTRAINT SYSTEMS, SUCH AS CAR SEATS, TO PARENTS
17 AND CAREGIVERS WHO DO NOT HAVE A LEGALLY COMPLIANT CHILD
18 RESTRAINT SYSTEM.

19 (2) GRANT RECIPIENTS SHALL USE THE MONEY RECEIVED THROUGH
20 THE GRANT PROGRAM FOR THE FOLLOWING PURPOSES:

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

25 (b) TO EDUCATE FAMILIES ON THE COLORADO CHILD PASSENGER
26 RESTRAINT LAWS AND PERSONALIZED CHILD RESTRAINT SYSTEM SAFETY
27 INSTALLATION INSTRUCTIONS TO PROTECT INFANTS AND CHILDREN; OR

1 (c) TO CREATE CHILD RESTRAINT SYSTEM DISTRIBUTION
2 PROGRAMS FOR FAMILIES OF CHILDREN WHO DO NOT HAVE A LEGALLY
3 COMPLIANT CHILD RESTRAINT SYSTEM.

4 (3) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM
5 AND, SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS
6 PROVIDED IN THIS PART 6. GRANTS MUST BE PAID OUT OF THE FUND.

7 (4) (a) THE EXECUTIVE DIRECTOR SHALL IMPLEMENT THE GRANT
8 PROGRAM IN ACCORDANCE WITH THIS PART 6. PURSUANT TO ARTICLE 4 OF
9 TITLE 24, BY JANUARY 1, 2025, THE EXECUTIVE DIRECTOR SHALL
10 PROMULGATE SUCH RULES AS ARE REQUIRED IN THIS SUBSECTION (4) AND
11 SUCH ADDITIONAL RULES AS MAY BE NECESSARY TO IMPLEMENT THE
12 GRANT PROGRAM. AT A MINIMUM, THE RULES MUST SPECIFY THE TIME
13 FRAMES FOR APPLYING FOR GRANTS, THE FORM OF THE GRANT PROGRAM
14 APPLICATION, THE CRITERIA FOR DETERMINING ELIGIBILITY FOR THE
15 GRANT PROGRAM, THE CRITERIA THE DEPARTMENT SHALL CONSIDER IN
16 AWARDING GRANTS, INFORMATION GRANT RECIPIENTS MUST INCLUDE IN
17 REPORTS PURSUANT TO SECTION 43-5-604, AND THE DEADLINES FOR
18 DISTRIBUTING GRANT MONEY.

19 (b) THE DEPARTMENT SHALL WORK IN COLLABORATION WITH THE
20 COLORADO STATE PATROL AND THE COLORADO DEPARTMENT OF PUBLIC
21 HEALTH AND ENVIRONMENT IN DEVELOPING RULES FOR THE GRANT
22 PROGRAM AND IN IMPLEMENTING, MANAGING, AND REPORTING ON THE
23 GRANT PROGRAM.

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

27 (6) IN AWARDING GRANTS, THE DEPARTMENT SHALL PRIORITIZE

1 DIVERSE COMMUNITIES, INCLUDING THOSE IN LOW-INCOME AND RURAL
2 AREAS OF THE STATE, TO PROMOTE EQUITABLE ACCESS TO CHILD
3 RESTRAINT SYSTEMS.

4 **43-5-604. Reporting requirements.** (1) ON OR BEFORE MARCH
5 1, 2026, AND ON OR BEFORE MARCH 1 EACH YEAR THEREAFTER, EACH
6 PERSON THAT RECEIVES A GRANT THROUGH THE GRANT PROGRAM SHALL
7 SUBMIT A REPORT TO THE DEPARTMENT. AT A MINIMUM, THE REPORT
8 MUST INCLUDE THE FOLLOWING INFORMATION:

9 (a) FOR ANY GRANT RECIPIENT USING FUNDS FOR CHILD RESTRAINT
10 SYSTEM DISTRIBUTION, DE-IDENTIFIED AND AGGREGATED DATA ON THE
11 DEMOGRAPHICS OF FAMILIES WHO RECEIVE CHILD RESTRAINT SYSTEMS
12 THROUGH THE GRANT PROGRAM, INCLUDING THE FAMILIES' LOCATION AND
13 INCOME; AND

14 (b) ANY OTHER INFORMATION THE DEPARTMENT MAY REQUIRE BY
15 RULE.

16 (2) ON OR BEFORE DECEMBER 1, 2026, AND ON OR BEFORE
17 DECEMBER 1 EACH YEAR THEREAFTER FOR THE DURATION OF THE GRANT
18 PROGRAM, THE DEPARTMENT SHALL SUBMIT A SUMMARIZED REPORT ON
19 THE GRANT PROGRAM TO THE HOUSE OF REPRESENTATIVES
20 TRANSPORTATION, HOUSING, AND LOCAL GOVERNMENT COMMITTEE AND
21 THE SENATE TRANSPORTATION AND ENERGY COMMITTEE, OR THEIR
22 SUCCESSOR COMMITTEES. THE DEPARTMENT SHALL PRESENT THE
23 SUMMARIZED REPORT ON THE GRANT PROGRAM DURING THE ANNUAL
24 HEARINGS HELD PURSUANT TO THE "SMART ACT", PART 2 OF ARTICLE 7
25 OF TITLE 2. AT A MINIMUM, THE REPORT MUST INCLUDE:

26 (a) INFORMATION ON THE GRANT RECIPIENTS;

27 (b) INFORMATION ON HOW RECIPIENTS USED THE GRANT MONEY,

1 INCLUDING THE NUMBER OF CERTIFIED CHILD PASSENGER SAFETY
2 TECHNICIANS TRAINED, THE TYPE AND NUMBER OF EDUCATIONAL
3 OPPORTUNITIES PROVIDED TO FAMILIES, AND THE NUMBER OF CHILD
4 RESTRAINT SYSTEMS DISTRIBUTED; AND

5 (c) ANY OTHER MEASURABLE OUTCOMES THAT THE DEPARTMENT
6 DEEMS APPROPRIATE.

7 (3) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
8 REPORTING REQUIREMENTS SET FORTH IN THIS SECTION CONTINUE UNTIL
9 THE GRANT PROGRAM REPEALS PURSUANT TO SECTION 43-5-606.

10 **43-5-605. The child passenger safety education and**
11 **distribution grant program fund - created.** (1) (a) THERE IS CREATED

12 IN THE STATE TREASURY THE CHILD PASSENGER SAFETY EDUCATION AND
13 DISTRIBUTION GRANT PROGRAM FUND. THE FUND CONSISTS OF ANY MONEY
14 APPROPRIATED OR TRANSFERRED TO THE FUND BY THE GENERAL
15 ASSEMBLY AND ANY GIFTS, GRANTS, OR DONATIONS TO THE FUND FROM
16 PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS PART 6.

17 (b) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS,
18 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
19 PURPOSES OF THIS PART 6. ALL PRIVATE AND PUBLIC MONEY RECEIVED
20 THROUGH GIFTS, GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE
21 STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

22 (2) MONEY IN THE FUND IS SUBJECT TO ANNUAL APPROPRIATION
23 BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR THE PURPOSES
24 SPECIFIED IN THIS PART 6. THE DEPARTMENT MAY USE A PORTION OF THE
25 MONEY ANNUALLY APPROPRIATED FOR THE GRANT PROGRAM TO PAY THE
26 DIRECT AND INDIRECT COSTS THAT THE DEPARTMENT INCURS TO
27 ADMINISTER THE GRANT PROGRAM.

1 (3) ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING
2 IN THE FUND AT THE END OF ANY FISCAL YEAR REMAINS IN THE FUND AND
3 SHALL NOT BE TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

4 (4) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED
5 AND UNENCUMBERED MONEY IN THE FUND ON AUGUST 30, 2030, TO THE
6 GENERAL FUND.

7 **43-5-606. Repeal of part.** THIS PART 6 IS REPEALED, EFFECTIVE
8 SEPTEMBER 1, 2030.

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

11 **24-75-402. Cash funds - limit on uncommitted reserves -**
12 **reduction in the amount of fees - exclusions - definitions.**

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

16 (eee) THE CHILD PASSENGER SAFETY EDUCATION AND
17 DISTRIBUTION GRANT PROGRAM FUND CREATED IN SECTION 43-5-605.

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

20 **42-4-236. Child restraint systems required - definitions -**
21 **exemptions.** (2) (a) (I) Unless exempted pursuant to subsection (3) of
22 this section and except as otherwise provided in ~~subparagraphs (H) and~~
23 ~~(HH) of this paragraph (a)~~ SUBSECTIONS (2)(a)(II), (2)(a)(III), (2)(a)(IV),
24 AND (2)(a)(V) OF THIS SECTION, every child who is under ~~eight~~ NINE years
25 of age OR UNDER FIFTY-SEVEN INCHES IN HEIGHT and who is being
26 transported in this state in a motor vehicle or in a vehicle operated by a
27 child care center shall be properly restrained in a child restraint system

1 according to the manufacturer's instructions.

2 (II) If the child is ~~less than one year~~ UNDER TWO YEARS of age,
3 ~~and weighs less than twenty~~ UNDER FORTY pounds, AND IS UNDER FORTY
4 INCHES IN HEIGHT, the child shall be properly restrained in a rear-facing
5 child restraint system in a rear seat of the vehicle.

6 (III) If the child is ~~one year~~ TWO YEARS of age or older but less
7 than four years of age and weighs AT LEAST TWENTY POUNDS BUT less
8 than forty pounds, ~~but at least twenty pounds~~, the child shall be properly
9 restrained:

10 (A) In a rear-facing or forward-facing child restraint system; AND

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

12 (IV) A CHILD WHO IS FOUR YEARS OF AGE OR OLDER BUT UNDER
13 NINE YEARS OF AGE AND WHO IS AT LEAST FORTY POUNDS SHALL BE
14 PROPERLY RESTRAINED:

15 (A) IN A BOOSTER SEAT; AND

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

17 (V) A CHILD WHO IS NINE YEARS OF AGE OR OLDER BUT UNDER
18 THIRTEEN YEARS OF AGE SHALL BE:

19 (A) IN THE REAR SEAT OF A VEHICLE, IF A REAR SEAT IS
20 AVAILABLE; AND

21 (B) PROPERLY SECURED WITH A SAFETY BELT.

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

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

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

6 **SECTION 5. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, or safety.