

CHAPTER 108

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 95-164

BY SENATORS Hopper, Johnson, Mares, Pascoe, Perlmutter, Rupert, Tanner, Weddig, and Wham;
also REPRESENTATIVES Schauer, Friednash, Hernandez, Kerns, Knox, Linkhart, and Saliman.

AN ACT

**CONCERNING RESTRAINT SYSTEMS REQUIRED FOR THE PROTECTION OF THE HEALTH AND SAFETY
OF CHILDREN RIDING IN MOTOR VEHICLES.**

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

SECTION 1. 42-4-236 (1) (a), (2), (3), (5), and (8), Colorado Revised Statutes, 1993 Repl. Vol., as amended, are amended, and the said 42-4-236 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

42-4-236. Child restraint systems required - definitions - exemptions. (1) As used in this section, unless the context otherwise requires:

(a) ~~"Child restraint system" means any device which is designed to protect, hold, or restrain a child in a privately owned noncommercial passenger vehicle in such a way as to prevent or minimize injury to the child in the event of a motor vehicle accident and which conforms to all applicable federal motor vehicle safety standards.~~ "CHILD CARE CENTER" MEANS A FACILITY REQUIRED TO BE LICENSED UNDER THE "CHILD CARE ACT", ARTICLE 6 OF TITLE 26, C.R.S.

(a.5) "CHILD RESTRAINT SYSTEM" MEANS ANY DEVICE THAT IS DESIGNED TO PROTECT, HOLD, OR RESTRAIN A CHILD IN A MOTOR VEHICLE IN SUCH A WAY AS TO PREVENT OR MINIMIZE INJURY TO THE CHILD IN THE EVENT OF A MOTOR VEHICLE ACCIDENT AND THAT CONFORMS TO ALL APPLICABLE FEDERAL MOTOR VEHICLE SAFETY STANDARDS.

(2) (a) Unless exempted pursuant to subsection (3) of this section, every child, who is under four years of age and weighs under forty pounds, being transported in this state in a privately owned noncommercial passenger vehicle ~~which is driven by a resident of this state~~ OR IN A VEHICLE OPERATED BY A CHILD CARE CENTER, shall be

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

provided with a child restraint system suitable for the child's size and shall be properly fastened into such child restraint system which is in a seating position which is equipped with a safety belt or other means to secure the system according to the manufacturer's instructions.

(b) UNLESS EXCEPTED PURSUANT TO SUBSECTION (3) OF THIS SECTION, EVERY CHILD, WHO IS AT LEAST FOUR YEARS OF AGE BUT LESS THAN SIXTEEN YEARS OF AGE OR WHO IS LESS THAN FOUR YEARS OF AGE AND WEIGHS FORTY POUNDS OR MORE, BEING TRANSPORTED IN THIS STATE IN A PRIVATELY OWNED NONCOMMERCIAL VEHICLE OR IN A VEHICLE OPERATED BY A CHILD CARE CENTER, SHALL BE PROVIDED WITH A SAFETY BELT SYSTEM AND SHALL BE PROPERLY FASTENED INTO THE SAFETY BELT SYSTEM ACCORDING TO THE MANUFACTURER'S INSTRUCTIONS.

(c) It is the responsibility of the driver transporting children, subject to the requirements of this section, to ensure that such children are provided with and that they properly use a child restraint system OR SAFETY BELT SYSTEM.

(3) The ~~requirement~~ REQUIREMENTS of subsection (2) of this section shall not apply to a child who:

(a) Is being transported in a PRIVATELY OWNED NONCOMMERCIAL motor vehicle in which all seating positions equipped with safety belts or child restraint systems are occupied; ~~or~~

(b) Is being transported in a motor vehicle as a result of a medical emergency;

(c) IS BEING TRANSPORTED IN A COMMERCIAL MOTOR VEHICLE, AS DEFINED IN SECTION 42-2-402 (4) (a), THAT IS OPERATED BY A CHILD CARE CENTER; OR

(d) IS THE DRIVER OF A MOTOR VEHICLE AND IS SUBJECT TO THE SAFETY BELT REQUIREMENTS PROVIDED IN SECTION 42-4-237.

(5) No person shall use a safety belt or child restraint system, WHICHEVER IS APPLICABLE UNDER THE PROVISIONS OF THIS SECTION, for children under ~~four~~ SIXTEEN years of age in a motor vehicle unless it conforms to all applicable federal motor vehicle safety standards.

(8) The fine ~~shall~~ MAY be waived if the driver presents the court with satisfactory evidence of the acquisition, purchase, or rental of an approved child restraint system by the time of the court appearance.

SECTION 2. Effective date - applicability. This act shall take effect July 1, 1995, and shall apply to offenses committed on or after said date.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 21, 1995