

CHAPTER 301

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 02-1070

BY REPRESENTATIVE(S) Groff, Marshall, Tapia, Bacon, Borodkin, Chavez, Coleman, Garcia, Grossman, Hodge, Jahn, Jameson, Madden, Ragsdale, Romanoff, Sanchez, Vigil, and Williams S.;

also SENATOR(S) Hernandez, Linkhart, Pascoe, and Windels.

AN ACT**CONCERNING THE USE OF CHILD PASSENGER RESTRAINTS IN MOTOR VEHICLES.**

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

SECTION 1. Legislative declaration. The general assembly hereby finds and declares that motor vehicle accidents are a leading cause of death and injury and that children, in particular, are at risk due to the fact that many ride in motor vehicles without the use of any type of restraint system. The general assembly further finds and declares that the use of infant-only seats, convertible seats, booster seats, and safety belts is the surest way to protect children and adults from injuries and deaths resulting from motor vehicle accidents.

SECTION 2. 42-4-236 (1) and (2), Colorado Revised Statutes, are amended to read:

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

(a) "Child care center" means a facility required to be licensed under the "Child Care Licensing Act", article 6 of title 26, C.R.S.

(a.3) "CHILD BOOSTER SEAT" MEANS A CHILD PASSENGER RESTRAINT SYSTEM THAT MEETS THE FEDERAL MOTOR VEHICLE SAFETY STANDARDS SET FORTH IN SECTION 49 C.F.R. 571.213, AS AMENDED, THAT IS DESIGNED TO ELEVATE A CHILD TO PROPERLY SIT IN A FEDERALLY APPROVED SAFETY BELT SYSTEM.

(a.5) "Child restraint system" means ~~any device~~ A SPECIALLY DESIGNED SEATING SYSTEM that is designed to protect, hold, or restrain a child in a motor vehicle in such

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

a way as to prevent or minimize injury to the child in the event of a motor vehicle accident THAT IS EITHER PERMANENTLY AFFIXED TO A MOTOR VEHICLE OR IS AFFIXED TO SUCH VEHICLE BY A SAFETY BELT OR A UNIVERSAL ATTACHMENT SYSTEM, and that ~~conforms to all applicable federal motor vehicle safety standards~~ MEETS THE FEDERAL MOTOR VEHICLE SAFETY STANDARDS SET FORTH IN SECTION 49 C.F.R. 571.213, AS AMENDED.

(a.7) "CHILD SAFETY BELT-POSITIONING DEVICE" MEANS A DEVICE THAT POSITIONS A SAFETY BELT AROUND A CHILD IN A MANNER THAT SAFELY RESTRAINS SUCH CHILD IN A SEATING POSITION THAT CONFORMS TO ALL APPLICABLE FEDERAL MOTOR VEHICLE SAFETY STANDARDS.

(b) "Safety belt" means a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, except any such belt ~~which~~ THAT is physically a part of a child restraint system. "Safety belt" includes the anchorages, the buckles, and all other equipment directly related to the operation of safety belts.

(c) "Seating position" means any motor vehicle interior space intended by the motor vehicle manufacturer to provide seating accommodation while the motor vehicle is in motion.

(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 or in a vehicle operated by a child care center, shall be provided with ~~a~~ ONE OF THE FOLLOWING child restraint system SYSTEMS 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:

(I) IF THE CHILD IS LESS THAN ONE YEAR OF AGE AND WEIGHS LESS THAN TWENTY POUNDS, THE CHILD SHALL BE PROPERLY RESTRAINED IN A REAR-FACING CHILD RESTRAINT SYSTEM.

(II) IF THE CHILD IS ONE YEAR OF AGE OR OLDER, BUT LESS THAN FOUR YEARS OF AGE, AND WEIGHS LESS THAN FORTY POUNDS, BUT AT LEAST TWENTY POUNDS, THE CHILD SHALL BE PROPERLY RESTRAINED IN A FORWARD-FACING CHILD RESTRAINT SYSTEM.

(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~~ PROPERLY SECURED BY ONE OF THE FOLLOWING SAFETY DEVICES APPROVED FOR A CHILD OF SUCH AGE OR WEIGHT BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION, OR IN A SAFETY BELT, WHICHEVER IS APPROPRIATE FOR THE CHILD:

(I) IF THE CHILD IS AT LEAST FOUR YEARS OF AGE BUT LESS THAN SIX YEARS OF AGE AND IS LESS THAN FIFTY-FIVE INCHES TALL, THE CHILD SHALL BE PROPERLY

RESTRAINED IN A CHILD BOOSTER SEAT OR WITH A CHILD SAFETY BELT-POSITIONING DEVICE.

(II) IF THE CHILD IS SIX YEARS OF AGE OR OLDER BUT LESS THAN SIXTEEN YEARS OF AGE AND IS FIFTY-FIVE INCHES TALL OR MORE, THE CHILD SHALL BE PROPERLY RESTRAINED WITH THE MOTOR VEHICLE'S SAFETY BELT PROPERLY ADJUSTED AND FASTENED AROUND THE CHILD'S BODY.

(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.

SECTION 3. 42-4-236, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

42-4-236. Child restraint systems required - definitions - exemptions. (9) NO DRIVER IN A MOTOR VEHICLE SHALL BE CITED FOR A VIOLATION OF SUBPARAGRAPH (I) OF PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION UNLESS SUCH DRIVER WAS STOPPED BY A LAW ENFORCEMENT OFFICER FOR AN ALLEGED VIOLATION OF ARTICLES 1 TO 4 OF THIS TITLE OTHER THAN A VIOLATION OF THIS SECTION OR SECTION 42-4-237.

(10) FOR ONE YEAR FOLLOWING THE EFFECTIVE DATE OF THIS SUBSECTION (10), A LAW ENFORCEMENT OFFICER WHO STOPS A DRIVER OF A MOTOR VEHICLE WITH AN OCCUPANT OF THE VEHICLE IN VIOLATION OF SUBPARAGRAPH (I) OF PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION SHALL WARN SUCH DRIVER THAT SUCH VIOLATION IS A CLASS B TRAFFIC INFRACTION AND SHALL NOT CITE SUCH DRIVER FOR SUCH VIOLATION.

SECTION 4. Effective date - applicability. (1) This act shall take effect August 1, 2003, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall take effect on the specified date only if approved by the people.

(2) The provisions of this act shall apply to equipment violations committed on or after the applicable effective date of this act.

Approved: June 4, 2002