

HB1055\_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

HB24-1055 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

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

5 (a) Cars remain a leading cause of death for children in Colorado;  
6 from 2015 to 2019, 48 children under age eight were killed in passenger  
7 vehicle crashes. The Colorado department of transportation estimates that  
8 59% to nearly 84% of children are improperly restrained while riding in  
9 a vehicle.

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

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

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

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

32 (2) Therefore, the general assembly further declares that it is in  
33 the best interest of the state of Colorado to modernize child passenger  
34 safety laws and provide education and child restraint system distribution  
35 programs to parents and caregivers to ensure children in Colorado are as  
36 safe as possible when traveling in a motor vehicle.

37 **SECTION 2.** In Colorado Revised Statutes, **add** part 28 to article  
38 33.5 of title 24 as follows:

39 **PART 28**  
40 **CHILD PASSENGER SAFETY EDUCATION AND**

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DISTRIBUTION GRANT PROGRAM

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

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

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

(a) 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;

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

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

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

(3) "GRANT PROGRAM" MEANS THE CHILD PASSENGER SAFETY EDUCATION AND DISTRIBUTION GRANT PROGRAM CREATED IN SECTION 24-33.5-2803.

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

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

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

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

1 (b) TO EDUCATE FAMILIES AND CAREGIVERS ON THE COLORADO  
2 CHILD PASSENGER RESTRAINT LAWS, SAFEST PRACTICES, AND  
3 PERSONALIZED CHILD RESTRAINT SYSTEM SAFETY INSTALLATION  
4 INSTRUCTIONS TO PROTECT INFANTS AND CHILDREN;

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

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

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

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

26 (b) THE DEPARTMENT SHALL WORK IN COLLABORATION WITH THE  
27 COLORADO STATE PATROL, THE DEPARTMENT OF TRANSPORTATION, THE  
28 DEPARTMENT OF EARLY CHILDHOOD, AND THE DEPARTMENT OF PUBLIC  
29 HEALTH AND ENVIRONMENT IN DEVELOPING RULES FOR THE GRANT  
30 PROGRAM AND IN IMPLEMENTING, MANAGING, AND REPORTING ON THE  
31 GRANT PROGRAM.

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

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

40 **24-33.5-2804. Reporting requirements.** (1) ON OR BEFORE  
41 MARCH 1, 2026, AND ON OR BEFORE MARCH 1 EACH YEAR THEREAFTER,  
42 EACH PERSON THAT RECEIVES A GRANT THROUGH THE GRANT PROGRAM  
43 SHALL SUBMIT A REPORT TO THE DEPARTMENT. AT A MINIMUM, THE  
44 REPORT MUST INCLUDE THE FOLLOWING INFORMATION:

45 (a) FOR ANY GRANT RECIPIENT USING FUNDS FOR CHILD RESTRAINT

1 SYSTEM DISTRIBUTION, DE-IDENTIFIED AND AGGREGATED DATA ON THE  
2 DEMOGRAPHICS OF FAMILIES WHO RECEIVE CHILD RESTRAINT SYSTEMS  
3 THROUGH THE GRANT PROGRAM, INCLUDING THE FAMILIES' LOCATIONS  
4 AND INCOMES; AND

5 (b) ANY OTHER INFORMATION THE DEPARTMENT MAY REQUIRE BY  
6 RULE.

7 (2) ON OR BEFORE DECEMBER 1, 2026, AND ON OR BEFORE  
8 DECEMBER 1 EACH YEAR THEREAFTER FOR THE DURATION OF THE GRANT  
9 PROGRAM, THE DEPARTMENT SHALL SUBMIT A SUMMARIZED REPORT ON  
10 THE GRANT PROGRAM TO THE HOUSE OF REPRESENTATIVES  
11 TRANSPORTATION, HOUSING, AND LOCAL GOVERNMENT COMMITTEE AND  
12 THE SENATE TRANSPORTATION AND ENERGY COMMITTEE, OR THEIR  
13 SUCCESSOR COMMITTEES. BEGINNING IN JANUARY 2027, AND IN JANUARY  
14 EVERY YEAR THEREAFTER, THE DEPARTMENT SHALL INCLUDE, AS PART OF  
15 ITS PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY  
16 SECTION 2-7-203, THE SUMMARIZED REPORT ON THE GRANT PROGRAM. AT  
17 A MINIMUM, THE REPORT MUST INCLUDE:

18 (a) INFORMATION ON THE GRANT RECIPIENTS;

19 (b) INFORMATION ON HOW RECIPIENTS USED THE GRANT MONEY,  
20 INCLUDING THE NUMBER OF CERTIFIED CHILD PASSENGER SAFETY  
21 TECHNICIANS TRAINED, THE TYPE AND NUMBER OF EDUCATIONAL  
22 OPPORTUNITIES PROVIDED TO FAMILIES, AND THE NUMBER OF CHILD  
23 RESTRAINT SYSTEMS DISTRIBUTED; AND

24 (c) ANY OTHER MEASURABLE OUTCOMES THAT THE DEPARTMENT  
25 DEEMS APPROPRIATE.

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

29 **24-33.5-2805. The child passenger safety education and**  
30 **distribution grant program fund - created - appropriation.**

31 (1)(a) THERE IS CREATED IN THE STATE TREASURY THE CHILD PASSENGER  
32 SAFETY EDUCATION AND DISTRIBUTION GRANT PROGRAM FUND. THE FUND  
33 CONSISTS OF ANY MONEY APPROPRIATED OR TRANSFERRED TO THE FUND  
34 BY THE GENERAL ASSEMBLY AND ANY GIFTS, GRANTS, OR DONATIONS TO  
35 THE DEPARTMENT FOR USE FOR THE GRANT PROGRAM FROM PRIVATE OR  
36 PUBLIC SOURCES FOR THE PURPOSES OF THIS PART 28.

37 (b) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS,  
38 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE  
39 PURPOSES OF THIS PART 28. ALL PRIVATE AND PUBLIC MONEY RECEIVED  
40 THROUGH GIFTS, GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE  
41 STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

42 (2) MONEY IN THE FUND IS SUBJECT TO ANNUAL APPROPRIATION  
43 BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR THE PURPOSES  
44 SPECIFIED IN THIS PART 28. THE DEPARTMENT MAY USE A PORTION OF THE  
45 MONEY ANNUALLY APPROPRIATED FOR THE GRANT PROGRAM TO PAY THE

1 DIRECT AND INDIRECT COSTS THAT THE DEPARTMENT INCURS TO  
2 ADMINISTER THE GRANT PROGRAM.

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

7 (4) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED  
8 AND UNENCUMBERED MONEY IN THE FUND ON AUGUST 31, 2030, TO THE  
9 GENERAL FUND.

10 (5) FOR THE 2024-25 STATE FISCAL YEAR AND EACH STATE FISCAL  
11 YEAR THEREAFTER UNTIL THE GRANT PROGRAM REPEALS PURSUANT TO  
12 SECTION 24-33.5-2806, THE GENERAL ASSEMBLY SHALL APPROPRIATE TWO  
13 HUNDRED FIFTY THOUSAND DOLLARS FROM THE GENERAL FUND TO THE  
14 FUND FOR THE PURPOSE OF IMPLEMENTING AND ADMINISTERING THE  
15 GRANT PROGRAM.

16 **24-33.5-2806. Repeal of part.** THIS PART 28 IS REPEALED,  
17 EFFECTIVE SEPTEMBER 1, 2030.

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

20 **24-75-402. Cash funds - limit on uncommitted reserves -**  
21 **reduction in the amount of fees - exclusions - definitions.**

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

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

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

29 **42-4-236. Child restraint systems required - definitions -**  
30 **exemptions.** (2) (a) (I) Unless exempted pursuant to subsection (3) of  
31 this section and except as otherwise provided in ~~subparagraphs (H) and~~  
32 ~~(HH) of this paragraph (a)~~ SUBSECTIONS (2)(a)(II), (2)(a)(III), AND  
33 (2)(a)(IV) OF THIS SECTION, every child who is under ~~eight~~ NINE years of  
34 age and who is being transported in this state in a motor vehicle or in a  
35 vehicle operated by a child care center shall be properly restrained in a  
36 child restraint system according to the manufacturer's instructions.

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

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

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

45 (III) If the child is ~~one year~~ TWO YEARS of age or older, but less

1 than four years of age, and weighs ~~less than forty pounds~~, but at least  
2 twenty pounds, the child shall be properly restrained: ~~in a rear-facing or~~  
3 ~~forward-facing child restraint system.~~

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

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

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

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

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

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

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

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

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

27 **SECTION 5. Safety clause.** The general assembly finds,  
28 determines, and declares that this act is necessary for the immediate  
29 preservation of the public peace, health, or safety or for appropriations for  
30 the support and maintenance of the departments of the state and state  
31 institutions."

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