

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 18, 2010

Date

Committee on Transportation.

After consideration on the merits, the Committee recommends the following:

SB10-110 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, strike lines 2 through 17 and substitute:

2           **"SECTION 1. Legislative declaration.** (1) The general  
3 assembly finds that changing the restraint device requirements for  
4 children will improve the safety for children while riding in a vehicle.  
5 Most children outgrow conventional car seats when they are about three  
6 to four years of age; however, they are still not tall enough to fit properly  
7 in a vehicle belt, so they are likely to put the shoulder belt under the arm  
8 or behind the back to prevent it from rubbing against the neck. They also  
9 tend to slouch or slide forward, causing the lap belt to ride up on the  
10 abdomen. This improper belt use can result in severe injuries or even  
11 ejection from the vehicle.

12           (2) Therefore, the general assembly finds an appropriate child  
13 restraint device should be used until the lap and shoulder belt fit the child  
14 properly."

15 Page 3, strike lines 13 through 27.

16 Strike pages 4 through 6.

17 Page 7, strike lines 1 through 12 and substitute:

1           **"SECTION 3.** 42-4-236 (1) (a), (1) (a.3), (1) (a.7), (1) (b), (2),  
2 (3), (8), and (9), Colorado Revised Statutes, are amended to read:

3           **42-4-236. Child restraint systems required - definitions -**  
4 **exemptions.** (1) As used in this section, unless the context otherwise  
5 requires:

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

8           (a.3) ~~"Child booster seat" means a child passenger restraint system~~  
9 ~~that meets the federal motor vehicle safety standards set forth in section~~  
10 ~~49 CFR 571.213, as amended, that is designed to elevate a child to~~  
11 ~~properly sit in a federally approved safety belt system.~~

12           (a.7) ~~"Child safety belt-positioning device" means a device that~~  
13 ~~positions a safety belt around a child in a manner that safely restrains such~~  
14 ~~child in a seating position that conforms to all applicable federal motor~~  
15 ~~vehicle safety standards.~~

16           (b) "Safety belt" means a lap belt, a shoulder belt, or any other belt  
17 or combination of belts installed in a motor vehicle to restrain drivers and  
18 passengers, except any such belt that is physically a part of a child  
19 restraint system. "Safety belt" includes the anchorages, the buckles, and  
20 all other equipment directly related to the operation of safety belts.  
21 PROPER USE OF A SAFETY BELT MEANS THE SHOULDER BELT, IF PRESENT,  
22 CROSSES THE SHOULDER AND CHEST AND THE LAP BELT CROSSES THE HIPS,  
23 TOUCHING THE THIGHS.

24           (2) (a) (I) Unless exempted pursuant to subsection (3) of this  
25 section AND EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPHS (II)  
26 AND (III) OF THIS PARAGRAPH (a), every child who is under ~~four~~ EIGHT  
27 years of age and ~~weighs under forty pounds~~, WHO IS being transported in  
28 this state in a ~~privately owned noncommercial passenger~~ MOTOR vehicle  
29 or in a vehicle operated by a child care center, ~~shall be provided with one~~  
30 ~~of the following child restraint systems suitable for the child's size and~~  
31 ~~shall be properly fastened into such child restraint system which is in a~~  
32 ~~seating position which is equipped with a safety belt or other means to~~  
33 ~~secure the system according to the manufacturer's instructions:~~ SHALL BE  
34 PROPERLY RESTRAINED IN A CHILD RESTRAINT SYSTEM IN A REAR SEAT OF  
35 THE VEHICLE, ACCORDING TO THE MANUFACTURER'S INSTRUCTIONS;

1 EXCEPT THAT THE CHILD MAY BE RESTRAINED IN A FRONT SEAT OF THE  
2 VEHICLE IF REAR SEATING DOES NOT EXIST IN THE VEHICLE, IF THE CHILD  
3 RESTRAINT SYSTEM DOES NOT PROPERLY INSTALL IN THE AVAILABLE REAR  
4 SEATING, OR IF ALL THE REAR SEATING IS OCCUPIED BY OTHER CHILDREN  
5 LESS THAN EIGHT YEARS OF AGE.

6 (F) (II) If the child is less than one year of age and weighs less  
7 than twenty pounds, the child shall be properly restrained in a rear-facing  
8 child restraint system IN A REAR SEAT OF THE VEHICLE.

9 (H) (III) If the child is one year of age or older, but less than four  
10 years of age, and weighs less than forty pounds, but at least twenty  
11 pounds, the child shall be properly restrained in a forward-facing child  
12 restraint system IN A REAR SEAT OF THE VEHICLE.

13 (b) Unless excepted pursuant to subsection (3) of this section,  
14 every child who is at least four EIGHT years of age or weighs forty pounds  
15 or more, BUT LESS THAN SIXTEEN YEARS OF AGE WHO IS being transported  
16 in this state in a privately owned noncommercial MOTOR vehicle or in a  
17 vehicle operated by a child care center, shall be properly secured by one  
18 of the following safety devices approved for a child of such age or weight  
19 by the United States department of transportation, or in a safety belt,  
20 whichever is appropriate for the child: SHALL BE PROPERLY RESTRAINED  
21 IN A SAFETY BELT OR CHILD RESTRAINT SYSTEM ACCORDING TO THE  
22 MANUFACTURER'S INSTRUCTIONS.

23 (I) Except as otherwise provided in subparagraph (I.5) of this  
24 paragraph (b), if the child is at least four years of age but less than six  
25 years of age and is less than fifty-five inches tall, the child shall be  
26 properly restrained in a child booster seat or with a child safety  
27 belt-positioning device.

28 (I.5) If the child is at least four years of age but less than six years  
29 of age and is less than fifty-five inches tall, and if the child is being  
30 transported in a vehicle equipped with only a two-point-lap-belt-only  
31 system available for the child, the child shall be properly restrained with  
32 a lap belt.

33 (II) If the child is six years of age or older or is fifty-five inches  
34 tall or more, the child shall be properly restrained with the motor vehicle's  
35 safety belt properly adjusted and fastened around the child's body.

1 (c) IF A PARENT IS IN THE MOTOR VEHICLE, IT IS THE  
2 RESPONSIBILITY OF THE PARENT TO ENSURE THAT HIS OR HER CHILD OR  
3 CHILDREN ARE PROVIDED WITH AND THAT THEY PROPERLY USE A CHILD  
4 RESTRAINT SYSTEM OR SAFETY BELT SYSTEM. IF A PARENT IS NOT IN THE  
5 MOTOR VEHICLE, it is the responsibility of the driver transporting A CHILD  
6 OR children, subject to the requirements of this section, to ensure that  
7 such children are provided with and that they properly use a child restraint  
8 system or safety belt system.

9 (3) Except as provided in section 42-2-105.5 (4), the requirements  
10 of subsection (2) of this section shall not apply to a child who:

11 (a) Repealed.

12 (b) IS LESS THAN EIGHT YEARS OF AGE AND is being transported in  
13 a motor vehicle as a result of a medical OR OTHER LIFE-THREATENING  
14 emergency AND A CHILD RESTRAINT SYSTEM IS NOT AVAILABLE;

15 (c) Is being transported in a commercial motor vehicle, as defined  
16 in section 42-2-402 (4) (a), that is operated by a child care center; or

17 (d) Is the driver of a motor vehicle and is subject to the safety belt  
18 requirements provided in section 42-4-237; OR

19 (e) WEIGHS MORE THAN FORTY POUNDS AND IS BEING  
20 TRANSPORTED IN A MOTOR VEHICLE IN WHICH THE REAR SEAT OF THE  
21 VEHICLE WAS NOT EQUIPPED AT THE TIME OF MANUFACTURE WITH  
22 COMBINATION LAP AND SHOULDER BELTS.

23 (8) The fine may be waived if the ~~driver~~ DEFENDANT presents the  
24 court with satisfactory evidence of ECONOMIC DISADVANTAGE AND PROOF  
25 OF the acquisition, purchase, or rental of ~~an approved~~ A CERTIFIED child  
26 restraint system by the time of the court appearance.

27 (9) ~~No driver in a motor vehicle shall be cited for a violation of~~  
28 ~~subparagraph (f) of paragraph (b) of subsection (2) of this section unless~~  
29 ~~such driver was stopped by a law enforcement officer for an alleged~~  
30 ~~violation of articles 1 to 4 of this title other than a violation of this section~~  
31 ~~or section 42-4-237."~~

32 Renumber succeeding sections accordingly.

- 1 Page 9, line 18, strike "~~65.00~~ 75.00" and substitute "65.00".
- 2 Page 1, strike lines 102 and 103 and substitute "**OF CERTAIN PERSONS TO**
- 3 **PROPERLY RESTRAIN A CHILD IN A VEHICLE.**".

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