

1981 Assembly Bill 600

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**CHAPTER 327 , Laws of 1981**

AN ACT to amend 347.48 (title) and (3) and 347.50 (1); and to create 343.32 (2) (bt), 347.48 (4) and 347.50 (3) and (4) of the statutes, relating to requiring the use of child safety restraint systems or safety belts in certain motor vehicles, granting rule-making authority and providing penalties.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 343.32 (2) (bt) of the statutes is created to read:

343.32 (2) (bt) The scale adopted by the secretary may not assess any demerit points for a violation of s. 347.48 (4) (a).

**SECTION 2.** 347.48 (title) and (3) of the statutes are amended to read:

**347.48 (title) Safety belts and child safety restraint systems.**

(3) MANDATORY USE BY RULE; PROHIBITED. ~~The~~ Except as provided under sub. (4) (a) 2, the department may not, by rule, require directly or indirectly the wearing of safety belts or shoulder harnesses.

SECTION 3. 347.48 (4) of the statutes is created to read:

347.48 (4) CHILD SAFETY RESTRAINT SYSTEMS REQUIRED; STANDARDS; EXEMPTIONS.

(a) 1. No resident, who is the parent or legal guardian of a child under the age of 2, may transport the child in a motor vehicle owned by the resident unless the child is properly restrained in a child safety restraint system approved by the department. "Properly restrained" means fastened in a manner prescribed by the manufacturer of the system which permits the system to act as a body restraint but does not include a system in which the only body restraint is a safety belt of the type required under sub. (1). The department shall, by rule, establish standards in compliance with applicable federal standards for approved types of child safety restraint systems for those child restraint systems purchased after the effective date of this subsection (1981). No resident is required to have more than 3 child safety restraint systems in a vehicle.

2. No resident, who is the parent or legal guardian of a child who is at least 2 years old but less than 4 years old, may transport the child in a motor vehicle owned by the resident unless the child is properly restrained in a child safety restraint system approved by the department under subd. 1. or in a safety belt approved by the department under sub. (2). "Properly restrained" means fastened in a manner prescribed by the manufacturer of the system which permits the system to act as a body restraint.

(b) The department may, by rule, exempt from the requirements under par. (a) any child who because of a physical or medical condition or body size cannot be placed in a child safety restraint system or safety belt.

(c) 1. This subsection does not apply if the motor vehicle is a motor bus, school bus, taxicab, moped, motorcycle or is not required to be equipped with safety belts under sub. (1) or 49 CFR 571.

2. This subsection does not apply to a vehicle with a seating capacity, as designated by the manufacturer, of 2 persons if there are 2 persons 4 years of age or older in the vehicle.

(d) Evidence of compliance or failure to comply with par. (a) is admissible in any civil action for personal injuries or property damage resulting from the use or operation of a motor vehicle but failure to comply with par. (a) does not by itself constitute negligence.

SECTION 4. 347.50 (1) of the statutes is amended to read:

347.50 (1) Any person violating ss. 347.35 to 347.49, except s. 347.415 (1), (2) and (3) to (5) or s. 347.48 (4) (a), may be required to forfeit not less than \$10 nor more than \$200.

SECTION 5. 347.50 (3) and (4) of the statutes are created to read:

347.50 (3) (a) Any person violating s. 347.48 (4) (a) 1 may be required to forfeit not less than \$30 nor more than \$75.

(b) No forfeiture may be assessed under par. (a) if:

1. The motor vehicle was not equipped with a child safety restraint system meeting the requirements under s. 347.48 (4) (a) 1 at the time the uniform traffic citation was issued; and

2. The person provides proof that, within 30 days after the uniform traffic citation was issued, a child safety restraint system meeting the requirements under s. 347.48 (4) (a) 1 was purchased or leased and properly installed in the motor vehicle.

(4) Any person violating s. 347.48 (4) (a) 2 may be required to forfeit not less than \$10 nor more than \$25 for the first offense. For a 2nd or subsequent conviction within 3 years, a person may be required to forfeit not less than \$25 nor more than \$200.

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**SECTION 6. Initial applicability.** The treatment of section 347.50 (3) and (4) of the statutes by this act first applies to violations occurring on the first day of the 12th month following publication.

**SECTION 7. Effective date.** This act takes effect on the first day of the 6th month following publication.

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