

2011 DRAFTING REQUEST

Bill

Received: 04/27/2011

Received By: agary

Wanted: As time permits

Companion to LRB:

For: Glenn Grothman (608) 266-7513

By/Representing: Jamie Julian

May Contact:

Drafter: agary

Subject: Transportation - traffic laws

Addl. Drafters:

Extra Copies: EVM

Submit via email: YES

Requester's email: Sen.Grothman@legis.wisconsin.gov

Carbon copy (CC:) to: aaron.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Child safety restraint systems

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	agary 04/28/2011	wjackson 05/05/2011	jfrantze 05/06/2011	_____	mbarman 05/06/2011		
/1	agary 06/07/2011	wjackson 06/07/2011	rschluet 06/08/2011	_____	sbasford 06/08/2011	lparisi 09/27/2011	

FE Sent For:

↳ Not Needed

<END>

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Companion to LRB:

For: **Glenn Grothman (608) 266-7513**

By/Representing: **Jamie Julian**

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Drafter: **agary**

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/?	agary	plwlj 5/5	JG	<u>5/6</u>			

FE Sent For:

<END>

4/27 Hc w/ Jamie
• make changes noted below

Gary, Aaron

From: Julian, Jamie
Sent: Wednesday, April 27, 2011 12:43 PM
To: Gary, Aaron
Subject: Car seat bill draft...

Following up on the conversation we just had...

This letter is in response to our conversation this morning. I am a Child Passenger Safety Instructor. For years we have instructed parents and caregivers about the law on child car seats. The law says that a child needs to be rear facing until a year old and 20#'s. We have always taught that. We have then advised parents that the current recommendations are that children should stay rear facing until they out grow the rear facing seat. These are NHTSA and the American Academy of Pediatrics(AAP) recommendations, with the AAP actually recommending children remain rear facing until the age of 2 years old. The reason for this recommendation is that children are safer in the rear facing position as the entire shell of the seat spreads out the crash force, better protecting the child from spinal injuries. Once the child is turned forward facing, the harness straps in the seat are the only thing protecting the child and the child's head and neck are less protected.

Recently it has come to my attention that the wording in the law is such that it is required that a child is turned forward facing at one year and 20#'s. This takes away from the parent or caregiver the option to keep the child in a safer position, going against the current recommendations.

I think that this problem could be solved by adding three words to 348.47(4)(as)2.

"... the child shall be properly restrained in a rear-facing or a forward facing seat" This would give the caregiver the option to keep the child rear-facing as recommended while still keeping the requirement that children need to be restrained in a child safety seat until the age of 4 years old and the weight of 40#'s.

I believe that this would 'fix' the law, as I do not believe that it was ever the legislative intent to limit the parent's choice to keep their children safer.

While looking at the whole law, it appears as though the same issue is present in the next subdivision. This applies to when a child can go into a booster seat. It is safer for a child to remain in an internal harness until they are mature enough to ride in the booster seat properly. Again, by adding three words to 348.(4)(as)3.

"... the child shall be properly restrained in a forward-facing or a child booster seat" This would give the caregiver the option to keep the child in a forward-facing as recommended while still keeping the requirement that children need to be restrained in a child safety seat until the age of 8 years old or 80#'s or 57 inches in height.

The minor changes that I am requesting would not change the law as it is written to make it more restrictive, however it would give the parent the option to keep the child riding in the safer, preferred manner.

Sincerely,
Jamie Julian
Legislative Aide
Office of Senator Grothman

(800) 662-1227
(608) 266-7513

OS Act 106
AB 614
OS-3399



500



LRB-1992/P1
ARG:Y....

in
4/28

WJ
D-Note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen Cat

1 **AN ACT ...; relating to:** the use of child restraint systems in motor vehicles.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, no child under the age of eight years may be transported in a motor vehicle unless the child is properly restrained in a child safety restraint system (car seat) or booster seat or by a safety belt (seat belt). The type of restraint system required depends on the age and size of the child, with more protective systems required for younger or smaller children and less protective systems required for older or larger children. A child who is:

1. Less than one year old or who weighs less than 20 pounds must be properly restrained in a rear-facing car seat in the back seat of the vehicle if the vehicle is equipped with a back seat.
2. At least one year old and weighs at least 20 pounds but is less than four years old or weighs less than 40 pounds must be properly restrained in a forward-facing car seat in the back seat of the vehicle if the vehicle is equipped with a back seat.
3. At least four years old but less than eight years old, weighs between 40 and 80 pounds, and is no more than four feet nine inches tall must be properly restrained in a booster seat.
4. Under the age of eight and exceeds the weight or height limits specified in ~~Item 3~~, above, must be properly restrained by a seat belt.

If a child, because of age, weight, or height, falls into more than one of these categories, the child must be transported according to the requirements of the more protective category.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1992/P1dn

ARG:.....

Wlj

Date

ATTN: Jamie Julian

Please review the attached draft carefully to ensure that it is consistent with your intent.

I agree with your constituent that it was not the intent of 2005 Act 106 to prohibit parents from transporting their children in a restraint system that is safer than the minimum required by law, and I am not certain that the present statute would be interpreted to prohibit this flexibility. However, this bill clarifies the statute to expressly allow a driver to transport a child in a more protective restraint system than the minimum required by law.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1992/P1dn
ARG:wlj:jf

May 6, 2011

ATTN: Jamie Julian

Please review the attached draft carefully to ensure that it is consistent with your intent.

I agree with your constituent that it was not the intent of 2005 Act 106 to prohibit parents from transporting their children in a restraint system that is safer than the minimum required by law, and I am not certain that the present statute would be interpreted to prohibit this flexibility. However, this bill clarifies the statute to expressly allow a driver to transport a child in a more protective restraint system than the minimum required by law.

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Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

Gary, Aaron

From: Julian, Jamie
Sent: Tuesday, June 07, 2011 10:57 AM
To: Gary, Aaron
Subject: RE: Car seat bill draft...

Hi,

Go ahead and send us a draft ready for introduction, when you have time. Thanks.

Sincerely,
Jamie Julian
Legislative Aide
Office of Senator Grothman

(800) 662-1227
(608) 266-7513

From: Gary, Aaron
Sent: Wednesday, April 27, 2011 1:00 PM
To: Julian, Jamie
Subject: RE: Car seat bill draft...

Thanks Jamie. I have entered this request as LRB-1992.

Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Julian, Jamie
Sent: Wednesday, April 27, 2011 12:43 PM
To: Gary, Aaron
Subject: Car seat bill draft...

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State of Wisconsin
2011 - 2012 LEGISLATURE

Soon



LRB-1992/1
ARG:wlj:jf

in 6/7

stays

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No changes

Regen

1 AN ACT *to amend* 347.48 (4) (as) 2., 347.48 (4) (as) 3. and 347.48 (4) (as) 4. of the
2 statutes; **relating to:** the use of child restraint systems in motor vehicles.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, no child under the age of eight years may be transported in a motor vehicle unless the child is properly restrained in a child safety restraint system (car seat) or booster seat or by a safety belt (seat belt). The type of restraint system required depends on the age and size of the child, with more protective systems required for younger or smaller children and less protective systems required for older or larger children. A child who is:

1. Less than one year old or who weighs less than 20 pounds must be properly restrained in a rear-facing car seat in the back seat of the vehicle if the vehicle is equipped with a back seat.
2. At least one year old and weighs at least 20 pounds but is less than four years old or weighs less than 40 pounds must be properly restrained in a forward-facing car seat in the back seat of the vehicle if the vehicle is equipped with a back seat.
3. At least four years old but less than eight years old, weighs between 40 and 80 pounds, and is no more than four feet nine inches tall must be properly restrained in a booster seat.
4. Under the age of eight and exceeds the weight or height limits specified in item 3, above, must be properly restrained by a seat belt.

If a child, because of age, weight, or height, falls into more than one of these categories, the child must be transported according to the requirements of the more protective category.

This bill clarifies that a child may be transported in a more protective category of restraint system than the minimum type of restraint system otherwise required.

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

1 **SECTION 1.** 347.48 (4) (as) 2. of the statutes is amended to read:

2 347.48 (4) (as) 2. Subject to subd. 1., if the child is at least one year old and
3 weighs at least 20 pounds but is less than 4 years old or weighs less than 40 pounds,
4 the child shall be properly restrained as provided in subd. 1. or properly restrained
5 in a forward-facing child safety restraint system, positioned at a designated seating
6 position in a back passenger seat of the vehicle if the vehicle is equipped with a back
7 passenger seat.

8 **SECTION 2.** 347.48 (4) (as) 3. of the statutes is amended to read:

9 347.48 (4) (as) 3. Subject to subds. 1. and 2., if the child is at least 4 years old
10 but less than 8 years old, weighs at least 40 pounds but not more than 80 pounds, and
11 is not more than 57 inches in height, the child shall be properly restrained as
12 provided in subd. 2. or properly restrained in a child booster seat.

13 **SECTION 3.** 347.48 (4) (as) 4. of the statutes is amended to read:

14 347.48 (4) (as) 4. Subject to subds. 1. to 3., if the child is less than 8 years old,
15 the child shall be properly restrained as provided in subds. 1. to 3. or properly
16 restrained in a safety belt approved by the department under sub. (2).

17

(END)

Parisi, Lori

From: Julian, Jamie
Sent: Tuesday, September 27, 2011 10:29 AM
To: LRB.Legal
Subject: Draft Review: LRB 11-1992/1 Topic: Child safety restraint systems

Please Jacket LRB 11-1992/1 for the SENATE.

Jamie Julian
Office of Sen. Grothman