



## Fiscal Estimate Narratives

DOT 12/10/2019

LRB Number	19-0200/1	Introduction Number	AB-0622	Estimate Type	Original
<b>Description</b> use of child safety restraint systems in motor vehicles and providing a penalty					

### Assumptions Used in Arriving at Fiscal Estimate

Under state statute, no forfeiture collected from traffic violations is distributed to DOT, thus there is no fiscal effect on DOT.

Local governments would see an increase in revenue from the forfeiture collected from traffic citations. The exact amount of citations that would be issued is unclear. Given the difficulty for law enforcement in determining the age of the child at a traffic stop, it is unlikely that there would be a significant amount of additional citations issued.

Additionally, a provision in this bill outlines that no forfeiture may be assessed prior to January 1, 2022 if the violation involves a child under the age of two but is at least one year old that is properly restrained in a rear-facing restraint system in the backseat (if the vehicle is equipped with a backseat).

### Long-Range Fiscal Implications



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**State of Wisconsin  
Wisconsin Department of Transportation**

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**MEMORANDUM**

**To:** Executive Offices  
**From:** Division of State Patrol  
**Date:** 12/2/19  
**Subject:** Analysis for AB-622 relating to: The use of child safety restraint systems in motor vehicles and providing a penalty.

1. Effect on Existing State Law

Under current law, with certain exceptions, no child under the age of eight years old may be transported in a motor vehicle unless the child is properly restrained in child safety restraint system. 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 either a rear-facing or 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 or in a rear-facing or forward-facing car seat in the back seat of the vehicle if the vehicle is equipped with a back 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 or in a car seat or booster seat as described above.

This bill would modify item 1 to cover children until at least the age of two and to require that such children be properly restrained in a rear-facing child safety restraint system appropriate for the child's height and weight. Item 2 is modified to cover all children that are less than four or who weigh less than 40 pounds but are not subject to item 1. Item 3 is modified to cover all children not covered by item 1 or 2 but are less than eight years old or less than 57 inches in height.

2. Legislative Action in Previous Session

Several bills have been introduced in the past few legislative sessions (2015-16, 2017-18) that would have restructured child safety restraint system laws similarly to the changes in AB-622. In the 2015-16 session, the bill passed out of committee in both chambers but never received a floor vote. In the 2017-18 session, the bill was introduced never received a public hearing.

3. Policy Significance

This bill would have a minimal policy impact on the Department and would have no fiscal effect at the state level.

4. Administrative Significance

Under this bill, law enforcement officers would be required to cite drivers who do not have their child under the age of two in a rear-facing restraint system. Law enforcement would make the determination as to whether or not to write a citation or issue a warning at a traffic stop for this violation. The forfeiture revenue collected from this legislation would be distributed to the county/municipality that issued the citation.

5. Fiscal Effect

Under state statute, no forfeiture collected from traffic violations is distributed to DOT, thus there is no fiscal effect on DOT.

Local governments would see an increase in revenue from the forfeiture collected from traffic citations. The exact amount of citations that would be issued is unclear. Given the difficulty for law enforcement in determining the age of the child at a traffic stop, it is unlikely that there would be a significant amount of additional citations issued.

Additionally, a provision in this bill outlines that no forfeiture may be assessed prior to January 1, 2022 if the violation involves a child under the age of two but is at least one year old that is properly restrained in a rear-facing restraint system in the backseat (if the vehicle is equipped with a backseat).

6. Laws in Other States

Currently, Wisconsin has stronger child safety restraint system regulations than most other states in the country. Many states simply require that any child under the age of eight or a certain weight/height be kept in a federally approved child safety seat, but do not specify how children under the age of eight must be restrained. Among our neighbors: Indiana, Iowa, and Minnesota have no specifications of how children under the age of eight must be restrained (and for Iowa, the requirement goes away once the child reaches age six rather than eight).

However, many states in the past decade have moved towards requiring that children under the age of two be kept in a rear-facing restraint system. Despite the nationwide move to such a policy, Illinois is the only neighboring state that has adopted this requirement.

A full list of state policies on child safety restraint systems can be found [here](#).

7. Summary and Recommendation

The intent of this bill is to require parents to properly restrain their child in a rear-facing restraint system in the backseat of the vehicle (if equipped with a backseat) until the child is two years old.

The American Academy of Pediatrics recommends as best practice that the absolute minimum age at which a child should be turned forward-facing (as opposed to rear-facing) is 2-years old. However, the academy also advises that some children should be kept forward-facing until age three or four, depending on the weight and height of the child.

Thus, this bill would put the State more closely in line with the best practice recommendations of the CPS community.

8. Prepared by

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