



1995 ASSEMBLY BILL 252

March 23, 1995 - Introduced by Representatives BOCK, BRANDEMUEHL, ROBSON, OURADA, BELL, DOBYNS, RILEY, NOTESTEIN, LA FAVE and BOYLE, cosponsored by Senators BURKE, ROSENZWEIG and DARLING. Referred to Committee on Highways and Transportation.

1 **AN ACT to amend** 347.48 (4) (b) and (d) and 347.50 (4); and **to create** 347.48 (4)
2 (am) of the statutes; **relating to:** requiring the use of safety belts or child safety
3 restraint systems for children riding within cargo areas of motor trucks and
4 providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, no person may transport a child under the age of 4 years old in a motor vehicle unless that child is restrained in a child safety seat. No person may transport a child in a motor vehicle between the ages of 4 and 8 years old unless that child is restrained either in a child safety seat or by a safety belt. This requirement does not apply if the motor vehicle is not required to be equipped with safety belts or is a school bus, taxicab, motor bus, motorcycle or moped.

A person who does not comply with this requirement, if the child is under the age of 4 years old, may be required to forfeit not less than \$30 nor more than \$75. A person who does not comply with this requirement, if the child is between the ages of 4 and 8 years old, may be required to forfeit not less than \$10 nor more than \$25 for a first violation or, for a 2nd or subsequent violation within 3 years, a forfeiture of not less than \$25 nor more than \$200.

This bill provides that any person who transports a child under 16 years of age within an open or enclosed cargo area of a motor truck is required to restrain the child either in a child safety seat or by a safety belt. A person who violates this provision may be required to forfeit not less than \$10 nor more than \$25 or, for a 2nd or subsequent violation within 3 years, not less than \$25 nor more than \$200. The

requirement does not apply to persons transporting children during farming operations or in sanctioned local parades.

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

1 **SECTION 1.** 347.48 (4) (am) of the statutes is created to read:

2 347.48 (4) (am) 1. Notwithstanding par. (c), no person may transport in a motor
3 truck a child under the age of 4 years who is riding within an open or enclosed cargo
4 area of the motor truck unless the child is properly restrained in a child safety
5 restraint system approved by the department under par. (a) 1. In this subdivision,
6 “properly restrained” means fastened in a manner prescribed by the manufacturer
7 of the system which permits the system to act as a body restraint but does not include
8 a system in which the only body restraint is a safety belt of the type required under
9 sub. (1).

10 2. Notwithstanding par. (c), no person may transport in a motor truck a child
11 who is at least 4 years old but less than 16 years old who is riding within an open or
12 enclosed cargo area of the motor truck unless the child is properly restrained in a
13 child safety restraint system approved by the department under par. (a) 1. or in a
14 safety belt approved by the department under sub. (2). In this subdivision, “properly
15 restrained” means fastened in a manner prescribed by the manufacturer of the
16 system which permits the system to act as a body restraint.

17 3. Notwithstanding subds. 1. and 2., a person may temporarily remove a child
18 who is required to be properly restrained under subd. 1. or 2. from a safety restraint
19 system to attend to the personal needs of the child if the person physically restrains
20 the child while attending to the child’s personal needs.

