AN ACT to amend 347.48 (4) (as) 1., 347.48 (4) (as) 2. and 347.48 (4) (as) 3.; and
to create 347.50 (3) (am) of the statutes; relating to: use of child safety
restraint systems in motor vehicles and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill requires that children must be secured in a rear-facing car seat until
at least age two and modifies several other child safety restraint system
requirements.

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 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.

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

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

347.48 (4) (as) 1. If the child is less than one year old or weighs less than 20 pounds Until at least age 2, the child shall be properly restrained in a rear-facing child safety restraint system appropriate for the child's weight and height, positioned at a designated seating position in a back passenger seat of the vehicle if the vehicle is equipped with a back passenger seat.

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

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

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

SECTION 4. 347.50 (3) (am) of the statutes is created to read:

347.50 (3) (am) Before January 1, 2022, no forfeiture may be assessed under par. (a) if the violator was improperly transporting a child who was at least one year old but was less than 2 years old and the child was properly restrained in a forward-facing child safety restraint system, positioned at a designated seating position in a back passenger seat of the vehicle if the vehicle was equipped with a back passenger seat.

SECTION 5. Initial applicability.

(1) This act first applies to violations committed on the effective date of this subsection, but does not preclude the counting of other violations as prior violations for purposes of sentencing a person.

SECTION 6. Effective date.

(1) This act takes effect on the 30th day after the day of publication.

(END)