

C E R T I F I C A T E

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STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)

TO ALL TO WHOM THESE PRESENTS COME, GREETINGS:

I, Owen Ayres, Secretary of the Department of Transportation and custodian of the official records of the Department, do hereby certify that the annexed rules relating to standards for child safety restraint systems (CR 82-121) were duly approved and adopted by this Department on December 17th, 1982.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Hill Farms State Office Building in the City of Madison, Wisconsin, this 17th day of December, 1982.



Owen Ayres
OWEN AYRES, P.E.
Secretary
Wisconsin Department of
Transportation

STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY

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AN ORDER of the Department of Transportation adopting a rule,
Chapter 310, Wisconsin Administrative Code, relating to
child safety restraint systems.

CR 82-121

Analysis Prepared by the Department of Transportation

General summary of rule. The provisions of the rule include:

- Incorporation by reference of federal standards which specify requirements for child restraint systems and seat belts used in motor vehicles.
- Types of restraint systems required for children under the age of 2.
- Types of restraint systems required for children at least 2 years of age but less than 4.
- References to proper procedures for restraining a child in a given unit.
- An exemption for children with certain condition when the condition is verified by a licensed physician.

Authority for rule. Chapter 327, Laws of 1981, created s. 347.48(4), Stats. This statutory section requires DOT to adopt a rule establishing standards for child restraint systems and permits DOT to adopt a rule exempting children who cannot use a restraint system or seat belt.

Fiscal estimate. Enforcement costs associated with citing resident parents and guardians who do not provide child restraint would become a part of normal enforcement and can be absorbed by the Department. No local government costs are anticipated.

Forms. The Department of Transportation will, upon request, provide copies of "A Family Shopping Guide to Infant/Child Automobile Safety Seats." Copies may be obtained from the Office of Transportation Information, Room 103B, 4802 Sheboygan Avenue, P.O. Box 7910, Madison, Wisconsin 53707.

Persons to contact for further information: Carl Zutz
(266-3216); Joan Fernan (266-1972).

ORDER ADOPTING RULE

Pursuant to the authority vested in the state of Wisconsin department of transportation by s. 347.48(4), Stats., the department adopts chapter Trans 310 interpreting s. 347.48(4), Stats., as follows:

RULE TEXT

SECTION 1. TRANS 310, Wis. Admin. Code, is created to read:

TRANS 310

CHILD RESTRAINT STANDARDS

AND EXEMPTIONS

TRANS 310.01 PURPOSE AND SCOPE. (1) STATUTORY AUTHORITY. As authorized by s. 347.48(4), Stats., the purpose of this chapter is to establish standards and specifications for child restraint systems in motor vehicles, and to delineate exceptions to their use. This chapter references federal standards applicable to child restraint systems and addresses the proper manner of wearing the restraints.

(2) APPLICABILITY. This chapter applies to the use of restraint systems by children under the age of 4, being transported in a motor vehicle which is owned by a parent or legal guardian who is a resident of the state of Wisconsin. The term motor vehicle includes but is not limited to automobiles, station wagons, vans, trucks and motor homes.

TRANS 310.02 DEFINITIONS. Along with words and phrases as defined in s. 340.01, Stats., the following definitions shall apply in the interpretation of this chapter:

(1) "Child restraint system" means a device meeting or exceeding federal motor vehicle safety standard number 213, and which restrains the body of a child in a motor vehicle.

(2) "Properly restrained" means fastened in a manner prescribed by the manufacturer of a child restraint system.

(3) "Safety belt" means a seat belt or a seat belt combined with a shoulder harness meeting federal motor vehicle safety standard number 208, and which is designed to restrain the body of a person in a motor vehicle.

(4) "Resident owned motor vehicle" means any motor vehicle not exempted by s. 347.48(4)(c)1, Stats., which is registered, titled or otherwise owned by a resident parent or legal guardian. This includes any applicable motor vehicle in which a resident parent or legal guardian is transporting his or her child and which vehicle is registered, titled or otherwise owned by the other parent or another legal guardian of the child.

TRANS 310.03 ADOPTION OF STANDARDS. Pursuant to s. 227.025, Stats., the attorney general and the revisor of statutes have consented to the incorporation by reference of the following standards. Copies of the standards are on file in the offices of the department of transportation, the secretary of state and the revisor of statutes. Copies can be purchased from the U.S. superintendent of documents, government printing office, Washington, D.C. 20402.

(1) Federal Motor Vehicle Safety Standard 213

(2) Federal Motor Vehicle Safety Standard 208

TRANS 310.04 PROVISIONS FOR USE. (1) No resident who is a 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 by a restraint system meeting the provisions of federal standard number 213.

(2) No resident who is a 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 safety restraint system meeting the provisions of federal motor vehicle safety standard number 213 or a safety belt meeting the provisions of federal motor vehicle safety standard number 208.

[Note: A Family Shopping Guide To Infant/Child Automobile Safety Seats will be available for distribution at the following locations: Office of Transportation Information, P.O. Box 7910, Madison, WI 53707; All State Patrol District Headquarters; All Driver Licensing Examination Stations.]

TRANS 310.05 EXEMPTIONS TO THE RULE. (1) A child who, because of a medical condition, body size or a physical disability is incapable of being transported in a child restraint system, may be transported without a restraint system providing:

(a) A typewritten statement by a licensed physician attests to the fact that the child may not, in the opinion of the physician, be safely transported in a child restraint system.

(b) The statement in par. (a) is dated no more than one year previously.

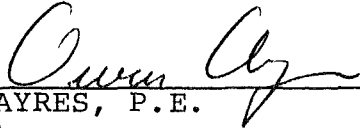
(c) The statement in par. (a) is on the physician's letter-head or contains a typewritten name, address and telephone number of the physician.

(d) The physician's statement shall be carried in the vehicle transporting the child.

(END OF RULE TEXT)

This rule shall take effect upon publication as provided in s. 227.026(1) (intro.), Stats.

Dated at Madison, Wisconsin, this
12th day of Dec,
1982.



OWEN AYRES, P.E.
Secretary
Wisconsin Department of
Transportation



State of Wisconsin \

DEPARTMENT OF TRANSPORTATION



PLEASE REPLY TO:

OFFICE OF GENERAL COUNSEL

4802 Sheboygan Avenue
P. O. Box 7910
Madison, WI 53707

Telephone: (608) 266-8810

December 17, 1982

Mr. Gary L. Poulson
Assistant Revisor of Statutes
411 West, State Capitol
Madison, Wisconsin 53702

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RE: TRANS 310 (CR 82-121)
Child Safety Restraint Systems

Dear Mr. Poulson:

Enclosed please find two copies of Chapter TRANS 310,
Wisconsin Administrative Code (CR 82-121), as adopted by the
Department of Transportation.

Sincerely,


Joe Maassen
Assistant General Counsel

JM:ck
Enclosure