



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0548/1
EVM:ahe

2017 ASSEMBLY BILL 854

January 19, 2018 - Introduced by Representatives C. TAYLOR, ANDERSON, SARGENT, SPREITZER, CROWLEY, POPE, SUBECK, ZAMARRIPA, CONSIDINE and SINICKI, cosponsored by Senators L. TAYLOR, JOHNSON, CARPENTER and RISSER. Referred to Committee on Criminal Justice and Public Safety.

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

Analysis by the Legislative Reference Bureau

This bill requires that children who are less than two years old must be properly restrained in a rear-facing car seat.

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.

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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 expanded to cover all children who are less than two years old.

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

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

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

2 347.48 (4) (as) 1. If the child is less than ~~one year~~ 2 years old ~~or weighs less than~~
3 ~~20 pounds~~, the child shall be properly restrained in a rear-facing child safety
4 restraint system, positioned at a designated seating position in a back passenger seat
5 of the vehicle if the vehicle is equipped with a back passenger seat.

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

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

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

14 347.50 (3) (am) After December 31, 2017, and before January 1, 2019, no
15 forfeiture may be assessed under par. (a) if the violator was improperly transporting
16 a child who was at least one year old but was less than 2 years old and the child was
17 properly restrained in a forward-facing child safety restraint system, positioned at

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1 a designated seating position in a back passenger seat of the vehicle if the vehicle was
2 equipped with a back passenger seat.

3 **SECTION 4. Initial applicability.**

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

7 **SECTION 5. Effective date.**

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

9 (END)