



2015 ASSEMBLY BILL 400

October 13, 2015 – Introduced by Representatives LOUDENBECK, C. TAYLOR, EDMING, BERCEAU, BORN, E. BROOKS, CONSIDINE, GOYKE, HEATON, KESSLER, KITCHENS, KOLSTE, KRUG, OHNSTAD, PETRYK, POPE, QUINN, SARGENT, SINICKI, SPREITZER, SUBECK, WACHS and ZAMARRIPA, cosponsored by Senators OLSEN, HARRIS DODD, BEWLEY, COWLES, LASSA and RINGHAND. Referred to Committee on Transportation.

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

Analysis by the Legislative Reference Bureau

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.

ASSEMBLY BILL 400

Under this bill, item 1, above, is expanded to cover children who are less than two years old and the 20-pound weight limit referenced in items 1 and 2, above, is replaced with the heights and weights recommended by the manufacturer of the restraint system.

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~~ does not exceed the maximum height or weight limit recommended by the
4 manufacturer for a system under this subdivision, the child shall be properly
5 restrained in a rear-facing child safety restraint system, positioned at a designated
6 seating position in a back passenger seat of the vehicle if the vehicle is equipped with
7 a back passenger seat.

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

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

16 **SECTION 3. Initial applicability.**

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

