

1 H.443

2 Introduced by Representatives Pugh of South Burlington, Birong of

3 Vergennes, McCarthy of St. Albans City, and White of Hartford

4 Referred to Committee on

5 Date:

6 Subject: Motor vehicles; child passenger restraining system; child restraint

7 system; car seat

8 Statement of purpose of bill as introduced: This bill proposes to include an
9 additional exemption from who needs to be transported in a child passenger
10 restraining system for children who cannot be transported in a federally
11 approved child passenger restraining system and have a note from a licensed
12 clinician indicating as such and how the child should be transported.

13 An act relating to child passenger restraining systems

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 23 V.S.A. § 1258 is amended to read:

16 § 1258. CHILD RESTRAINT SYSTEMS; PERSONS UNDER 18 YEARS

17 OF AGE 48

18 (a) No person shall operate a motor vehicle, other than a type I school bus,
19 in this State upon a public highway unless every occupant under ~~age~~ 18 years
20 of age is properly restrained in a federally approved child passenger restraining

1 system as defined in 49 C.F.R. § 571.213, as may be amended, or a federally
2 approved safety belt, as follows:

3 (1) all children ~~under the age of one~~ less than one year of age, and all
4 children weighing less than 20 pounds, regardless of age, shall be restrained in
5 a rear-facing position, properly secured in a federally approved child passenger
6 restraining system, which shall not be installed in front of an active air bag;

7 (2) a child weighing more than 20 pounds, and who is at least one year
8 of age ~~or older~~ and ~~under the age of eight years~~ of age, shall be restrained in a
9 federally approved child passenger restraining system; and

10 (3) a child who is at least eight through years of age and under 17 years
11 of age shall be restrained in a federally approved safety belt system or a child
12 passenger restraining system.

13 (b) A person shall not be adjudicated in violation of this section if:

14 (1) the motor vehicle is regularly used to transport passengers for hire
15 except a motor vehicle owned or operated by a child care facility;

16 (2) the motor vehicle was manufactured without safety belts; ~~or~~

17 (3) the person has been ordered by an enforcement officer, a firefighter,
18 or an authorized civil authority to evacuate persons from a stricken area; or

19 (4) the person has written documentation from the child's clinician that
20 the child cannot be transported in a federally approved child passenger
21 restraining system or safety belt system and the child is being transported in an

1 alternative safety system indicated as medically appropriate by the child's
2 clinician. As used in this subdivision, "clinician" means an individual licensed
3 in one of the following practices and acting within the scope of the license
4 under which he or she is practicing:

5 (i) a medical doctor licensed to practice pursuant to 26 V.S.A.
6 chapter 23;

7 (ii) an osteopathic physician licensed to practice pursuant to
8 26 V.S.A. chapter 33;

9 (iii) an advanced practice registered nurse licensed pursuant to
10 26 V.S.A. chapter 28, subchapter 2; or

11 (iv) a physician assistant licensed pursuant to 26 V.S.A.
12 chapter 31.

13 (c) The penalty for violation of this section shall be as follows:

14 (1) \$25.00 for a first violation;

15 (2) \$50.00 for a second violation;

16 (3) \$100.00 for third and subsequent violations.

17 Sec. 2. EFFECTIVE DATE

18 This act shall take effect on July 1, 2019.