

SENATE BILL NO. 22

**INTRODUCED BY JACOBSON, VAN VALKENBURG, BERG, VINCENT,
REGAN, HARRINGTON, MAZUREK, BERGENE, KEENAN,
KEMMIS, ECK, MCBRIDE**

IN THE SENATE

January 3, 1983	Introduced and referred to Committee on Judiciary.
January 4, 1983	Referred to Committee on Health, Welfare and Safety. Fiscal Note requested.
January 5, 1983	Fiscal Note returned.
January 20, 1983	Committee recommend bill do pass as amended. Report adopted. Statement of Intent attached.
January 22, 1983	Bill printed and placed on members' desks.
January 24, 1983	Second reading, do pass as amended.
January 25, 1983	Correctly engrossed.
January 26, 1983	Third reading, passed. Ayes, 33; Noes, 17. Transmitted to House.

IN THE HOUSE

January 27, 1983	Introduced and referred to Committee on Human Services.
March 7, 1983	Committee recommend bill be concurred in. Report adopted.
March 9, 1983	Second reading, concurred in.
March 10, 1983	Third reading, concurred in.

IN THE SENATE

March 11, 1983

Returned to Senate. Sent
to enrolling.

Reported correctly enrolled.

1 SENATE BILL NO. 22
2 INTRODUCED BY JACOBSON
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING USE OF A
5 SAFETY RESTRAINT SYSTEM TO TRANSPORT A CHILD LESS THAN 4
6 YEARS OLD; ESTABLISHING STANDARDS, EXEMPTIONS, AND PENALTY;
7 PROVIDING FOR ADMISSIBILITY OF EVIDENCE IN CIVIL SUITS
8 WITHOUT PRESUMPTION OF NEGLIGENCE; AND PROVIDING AN
9 EFFECTIVE DATE."
10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12 Section 1. "Properly restrained" defined. As used in
13 this part, "properly restrained" means fastened in a manner
14 prescribed by the manufacturer of the system which permits
15 the system to act as a body restraint, but does not mean a
16 system in which the only body restraint is a safety belt of
17 the type specified in 61-9-410.
18 Section 2. Child safety restraint systems -- standards
19 -- exemptions. (1) No resident of Montana who is the parent
20 or legal guardian of a child under the age of 2 may
21 transport the child in a motor vehicle owned by the resident
22 unless the child is properly restrained.
23 (2) No resident of Montana who is the parent or legal
24 guardian of a child between 2 and 4 years old may transport
25 the child in a motor vehicle owned by the resident unless

1 the child is properly restrained or is restrained in a
2 safety belt of the type specified in 61-9-410.
3 (3) The division shall by rule establish standards in
4 compliance with [this act] and applicable federal standards
5 for approved types of child safety restraint systems
6 purchased after [the effective date of this act].
7 (4) No resident is required to have more than three
8 child safety restraint systems in a vehicle.
9 (5) The division may by rule exempt from the
10 requirements of subsection (1) any child who because of a
11 physical or medical condition or body size cannot be placed
12 in a child safety restraint system or safety belt.
13 Section 3. Certain vehicles excepted. [Section 2] is
14 not applicable to a vehicle that:
15 (1) is a motorbus, schoolbus, taxicab, moped, or
16 motorcycle or is not required to be equipped with safety
17 belts under 49 CFR 571 as it reads on January 1, 1984; or
18 (2) has a seating capacity as designated by the
19 manufacturer of two persons and there are two persons 4
20 years of age or older in the vehicle.
21 Section 4. Evidence admissible without presumption of
22 negligence. Evidence of compliance or failure to comply with
23 [section 2] is admissible in any civil action for personal
24 injury or property damage resulting from the use or
25 operation of a motor vehicle, but failure to comply with

INTRODUCED BILL

1 [section 2] does not alone constitute negligence.

2 Section 5. Penalty. Violation of [section 2] is
3 punishable as provided in 61-9-511, but no penalty may be
4 assessed if the owner of the vehicle failing to meet the
5 requirement of [section 2] proves that within 30 days after
6 the traffic citation was issued a child safety restraint
7 system meeting the requirements of [section 2] was purchased
8 or leased and properly installed in the vehicle.

9 Section 6. Codification instruction. Sections 1
10 through 5 are intended to be codified as an integral part of
11 Title 61, chapter 9, and the provisions of Title 61, chapter
12 9, apply to sections 1 through 5.

13 Section 7. Effective date. This act is effective on
14 January 1, 1984.

-End-

STATE OF MONTANA

REQUEST NO. 006-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 4, 1983, there is hereby submitted a Fiscal Note for Senate Bill 22 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

A proposal to require use of child safety restraint systems when transporting a child less than 4 years of age.

ASSUMPTIONS:

- 1) Costs related to Sec. 2 (3)(5) can be absorbed without additional funds by the Motor Vehicle Division.
- 2) Costs related to educating the public of the law can be absorbed without additional funds by the Highway Traffic Safety Division.
- 3) Costs related to enforcement can be absorbed without additional funds by state and local law enforcement agencies, including city courts and J.P. courts.
- 4) Fine revenue will be minimal due to the wording of Section 5, and no accurate method of estimation is available.
- 5) A definite public impact would exist relating to parents of children between birth and 2 years of age that would not be reflected in state or local government budgets. It is assumed that about 60% of the parents would have to purchase, rent or borrow a child restraint with children in this age group.
- 6) Assuming 28,000 children less than 2 years of age on January 1, 1984, 40% current usage and a \$40.00 average cost per child restraint, public cost would be approximately \$670,000 the first year, and would not exceed \$560,000 for future cost per year as a maximum.
- 7) However, a definite public advantage would be gained in that the lives saved and injuries reduced would yield a public benefit approximately \$644,000 annually. A 90% success rate in saving lives with a 60% success rate in reducing injuries is estimated.

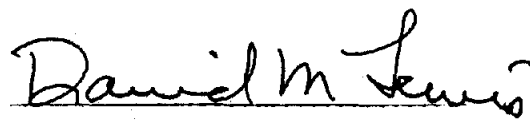
COMMENTS:

Governmental fiscal impact cannot be accurately estimated but is assumed to be small. General public costs and benefits are noted in assumptions 6 and 7.

TECHNICAL NOTES:

Line 21, Page 1 should probably have the words "or their spouse" added after the words "owned by the resident."

FISCAL 1:N



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: Jan 5, 1983

1 STATEMENT OF INTENT

2 SENATE BILL 22

3 Senate Public Health, Welfare and Safety Committee

4

5 A statement of legislative intent is required for this
6 bill because the bill authorizes the Division of Motor
7 Vehicles of the Department of Justice, consistent with
8 61-9-504, to adopt rules prescribing standards for child
9 safety restraint systems to be approved for installation in
10 vehicles owned by residents of Montana. The intention is
11 that the standards adopted incorporate federal standards
12 that specify requirements for child restraint systems and
13 seatbelts used in motor vehicles and prescribe proper
14 procedures for restraining a child under 4 years old with
15 acknowledgment of certain exemptions allowed in [SB 22]. The
16 rules should also provide for informational activity to
17 bring the new rules to the awareness of the public.

PLEASE ATTACH TO SECOND READING
COPY OF SENATE BILL 22

Committee on Judiciary

Rereferred
Approved by Committee
on Public Health, Welfare
& Safety

SENATE BILL NO. 22

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING USE OF A SAFETY RESTRAINT SYSTEM TO TRANSPORT A CHILD LESS THAN 4 YEARS OLD; ESTABLISHING STANDARDS, EXEMPTIONS, AND PENALTY; PROVIDING FOR ADMISSIBILITY OF EVIDENCE IN CIVIL SUITS WITHOUT PRESUMPTION OF NEGLIGENCE; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. "Properly restrained" defined. As used in this part, "properly restrained" means fastened in a manner prescribed by the manufacturer of the system which permits the system to act as a body restraint, but does not mean a system in which the only body restraint is a safety belt of the type specified in 61-9-410.

Section 2. Child safety restraint systems -- standards -- exemptions. (1) No resident of Montana who is the parent or legal guardian of a child under the age of 2 may transport the child in a motor vehicle owned by the resident OR HIS SPOUSE unless the child is properly restrained.

(2) No resident of Montana who is the parent or legal

guardian of a child between 2 and 4 years old OR WEIGHING LESS THAN 40 POUNDS may transport the child in a motor vehicle owned by the resident OR HIS SPOUSE unless the child is properly restrained or is restrained in a safety belt of the type specified in 61-9-410.

(3) The division shall by rule establish standards in compliance with [this act] and applicable federal standards for approved types of child safety restraint systems purchased after [the effective date of this act].

(4) No resident OR HIS SPOUSE is required to have more than three child safety restraint systems in a vehicle.

(5) The division may by rule exempt from the requirements of subsection (1) any child who because of a physical or medical condition or body size cannot be placed in a child safety restraint system or safety belt.

Section 3. Certain vehicles excepted. [Section 2] is not applicable to a vehicle that:

(1) is a motorbus, schoolbus, taxicab, moped, or motorcycle or is not required to be equipped with safety belts under 49 CFR 571 as it reads on January 1, 1984; or

(2) has a seating capacity as designated by the manufacturer of two persons and there are two persons 4 years of age or older in the vehicle.

Section 4. Evidence admissible without presumption of negligence. Evidence of compliance or failure to comply with

1 [section 2] is admissible in any civil action for personal
2 injury or property damage resulting from the use or
3 operation of a motor vehicle, but failure to comply with
4 [section 2] does not alone constitute negligence.

5 Section 5. Penalty. Violation of [section 2] is
6 punishable ~~as provided in 61-9-511~~ BY A FINE OF NOT LESS
7 THAN \$10 OR MORE THAN \$25, A SECOND OR SUBSEQUENT CONVICTION
8 WITHIN THREE YEARS IS PUNISHABLE BY A FINE OF NOT LESS THAN
9 \$25 OR MORE THAN \$100, but no penalty may be assessed if the
10 owner of the vehicle failing to meet the requirement of
11 [section 2] proves that within 30 days after the traffic
12 citation was issued a child safety restraint system meeting
13 the requirements of [section 2] was purchased or leased and
14 properly installed in the vehicle.

15 Section 6. Codification instruction. Sections 1
16 through 5 are intended to be codified as an integral part of
17 Title 61, chapter 9, and the provisions of Title 61, chapter
18 9, apply to sections 1 through 5.

19 Section 7. Effective date. This act is effective on
20 January 1, 1984.

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SAFETY RESTRAINT SYSTEM TO TRANSPORT A CHILD LESS THAN 4
YEARS OLD; ESTABLISHING STANDARDS, EXEMPTIONS, AND PENALTY;
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Section 2. Child safety restraint systems -- standards
-- exemptions. (1) No resident of Montana who is the parent
or legal guardian of a child under the age of 2 may
transport the child in a motor vehicle owned by the resident
OR HIS SPOUSE unless the child is properly restrained.

(2) No resident of Montana who is the parent or legal

guardian of a child between 2 and 4 years old OR WEIGHING
LESS THAN 40 POUNDS may transport the child in a motor
vehicle owned by the resident OR HIS SPOUSE unless the child
is properly restrained or is restrained in a safety belt of
the type specified in 61-9-410.

(3) The division shall by rule establish standards in
compliance with [this act] and applicable federal standards
for approved types of child safety restraint systems
purchased after [the effective date of this act].

(4) No resident OR HIS SPOUSE is required to have more
than three child safety restraint systems in a vehicle.

(5) The division may by rule exempt from the
requirements of subsection (1) any child who because of a
physical or medical condition or body size cannot be placed
in a child safety restraint system or safety belt.

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not applicable to a vehicle that:

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motorcycle or is not required to be equipped with safety
seats under 49 CFR 571 as it reads on January 1, 1984; or

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1 [section 2] is admissible in any civil action for personal
 2 injury or property damage resulting from the use or
 3 operation of a motor vehicle, but failure to comply with
 4 [section 2] does not alone constitute negligence.

5 Section 5. Penalty. Violation of [section 2] is
 6 punishable as provided in 61-9-511 AS FOLLOWS:

7 ~~(1) ON INITIAL VIOLATION A WARNING SHALL BE ISSUED. NO~~
 8 ~~PENALTY MAY BE ASSESSED IF THE VIOLATION OF [SECTION 2] IS~~
 9 ~~CORRECTED WITHIN 30 DAYS BY PROVIDING PROOF THAT A CHILD~~
 10 ~~SAFETY RESTRAINT SYSTEM MEETING THE REQUIREMENTS OF [SECTION~~
 11 ~~2] WAS PURCHASED OR LEASED AND PROPERLY INSTALLED IN THE~~
 12 ~~VEHICLE. IF NOT CORRECTED A CITATION MAY BE ISSUED AND THE~~
 13 ~~VIOLATION SHALL BE PUNISHABLE BY A FINE OF NOT LESS THAN \$10~~
 14 ~~OR MORE THAN \$25, A SECOND OR:~~

15 ~~(2) SUBSEQUENT CONVICTION VIOLATION WITHIN THREE YEARS~~
 16 ~~IS PUNISHABLE BY A FINE OF NOT LESS THAN \$25 OR MORE THAN~~
 17 ~~\$100, but no penalty may be assessed if the owner of the~~
 18 ~~vehicle failing to meet the requirement of [section 2]~~
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 24 through 5 are intended to be codified as an integral part of
 25 Title 61, chapter 9, and the provisions of Title 61, chapter

1 9, apply to sections 1 through 5.

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 3 January 1, 1984.

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1 STATEMENT OF INTENT

2 SENATE BILL 22

3 Senate Public Health, Welfare and Safety Committee

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5 A statement of legislative intent is required for this
6 bill because the bill authorizes the Division of Motor
7 Vehicles of the Department of Justice, consistent with
8 61-9-504, to adopt rules prescribing standards for child
9 safety restraint systems to be approved for installation in
10 vehicles owned by residents of Montana. The intention is
11 that the standards adopted incorporate federal standards
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13 seatbelts used in motor vehicles and prescribe proper
14 procedures for restraining a child under 4 years old with
15 acknowledgment of certain exemptions allowed in [SB 22]. The
16 rules should also provide, for informational activity to
17 bring the new rules to the awareness of the public.

HOUSE OF REPRESENTATIVES

March 7

1983

WE, YOUR COMMITTEE ON HUMAN SERVICES, HAVING HAD UNDER CONSIDERATION SENATE BILL 22, THIRD READING COPY (BLUE), ATTACH THE FOLLOWING STATEMENT OF INTENT:

STATEMENT OF INTENT
SENATE BILL NO. 22

A statement of legislative intent is required for this bill because the bill authorizes the Division of Motor Vehicles of the Department of Justice, consistent with 61-9-504, to adopt rules prescribing standards for child safety restraint systems to be approved for installation in vehicles owned by residents of Montana. The intention is that the standards adopted incorporate federal standards that specify requirements for child restraint systems and seatbelts used in motor vehicles and prescribe proper procedures for restraining a child under 4 years old with acknowledgment of certain exemptions allowed in [SB 22]. The rules should also provide for informational activity to bring the new rules to the awareness of the public.

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