

CR 84-165

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, Lowell B. Jackson, Secretary of the Wisconsin Department of Transportation and custodian of the official records of the Department, do hereby certify that the annexed administrative rule relating to standards for child safety restraint systems was duly approved and adopted by this Department on the 28<sup>th</sup> day of December, 1984.

I further certify that the annexed 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 here-  
onto 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 28<sup>th</sup> day of  
December, 1984.



*Lowell B. Jackson*

LOWELL B. JACKSON, P.E.  
Secretary  
Wisconsin Department of  
Transportation

IN THE MATTER OF THE AMENDMENT :  
OF CHAPTER TRANS 310, WIS. ADMIN. :  
CODE, RELATING TO STANDARDS FOR :  
CHILD SAFETY RESTRAINT SYSTEMS :

ORDER  
ADOPTING RULE

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CLEARINGHOUSE RULE 84-165

Analysis Prepared by Department of Transportation

General summary of rule. This amendment extends the scope of Trans 310 to apply, when appropriate, to residents. The proposed amendment also extends the exemption for physical or medical condition to cover children being transported in emergency vehicles.

Authority for rule. Chapter 327, Laws of 1981, created s. 347.48(4), Stats., which directed the Department to establish standards for child safety restraints and authorized the Department to provide an exemption when the physical or medical needs of the child make safety restraint unreasonable. Chapter 285, Laws of 1983, amended sec. 347.48(4), Stats. The law as amended now applies to residents of Wisconsin when the resident transports a child under four in a motor vehicle and the child is not accompanied by a parent or legal guardian.

Fiscal estimate. Amendment of this rule will impose no additional costs on the state or on local governments.

RULE TEXT

Pursuant to the authority vested in the state of Wisconsin, department of transportation, by s. 347.48(4), Stats., as affected by chapter 285, laws of 1983, the department hereby amends chapter Trans 310 interpreting s. 347.48(4), Stats., as follows:

SECTION 1. TRANS 310.01(1) and (2) are amended to read:

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 safety restraint systems in motor vehicles, and to delineate exceptions to their use. This chapter references federal standards

applicable to child safety restraint systems and safety belts and addresses the proper manner of wearing the restraints.

(2) APPLICABILITY. This chapter applies to the use of safety restraint systems or safety belts by children under the age of 4, being transported in a motor vehicle ~~which-is-owned-by-a-parent-or legal-guardian-who-is~~ by 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.

SECTION 2. TRANS 310.02(1) is amended to read:

TRANS 310.02(1) "Child safety 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.

SECTION 3. TRANS 310.02(4) is repealed and recreated to read:

TRANS 310.02(4) "Resident" means any person who is legally domiciled in this state.

SECTION 4. TRANS 310.04(1) and (2) are amended to read:

TRANS 310.04 PROVISIONS FOR USE. (1) No resident ~~who-is-a parent-or-legal-guardian-of~~ subject to the provisions of s. 347.48(4) (a)1, Stats., may transport 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 child safety restraint system. ~~meeting-the-provisions-of-federal-standard number-213-~~

(2) No resident ~~who-is-a-parent-or-legal-guardian-of~~ subject to the provisions of s. 347.48(4) (a)2 may transport 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 child 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.~~

SECTION 5. TRANS 310.05(1) is amended to read:

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 safety restraint  
system or safety belt, may be transported without a safety  
restraint system or safety belt providing:

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

(b) The statement in par. (a) is dated not 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.

SECTION 6. TRANS 310.05(2) is created to read:

TRANS 310.05(2) A child being transported in an emergency  
vehicle, when the vehicle is being operated in the performance of  
official duties, may be transported without a child safety

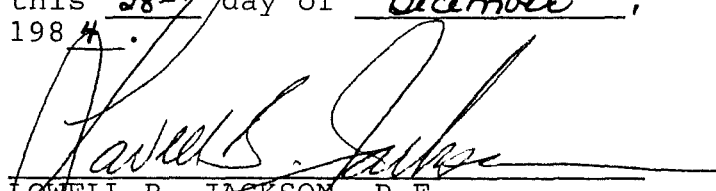
restraint system or safety belt when the physical or medical needs of the child make safety restraint unreasonable.

(End)

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This rule shall take effect upon the first day of the month following its publication in the Wisconsin Administrative Register as provided in s. 227.026(1)(intro.), Stats.

Signed at Madison, Wisconsin,  
this 28<sup>th</sup> day of December,  
1984.



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LOWELL B. JACKSON, P.E.  
Secretary  
Wisconsin Department of  
Transportation



State of Wisconsin \

DEPARTMENT OF TRANSPORTATION



PLEASE REPLY TO:

OFFICE OF GENERAL COUNSEL

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P. O. Box 7910

Madison, WI 53707

Telephone: (608) 266-8810

December 28, 1984

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Revisor of Statutes  
Bureau

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

RE: Clearinghouse Rule 84-165  
In the Matter of the Creation of Section  
Trans 310, Wisconsin Administrative Code,  
Relating to Standards for Child Safety  
Restraint Systems

Dear Mr. Poulson:

Enclosed for filing, pursuant to sec. 227.023, Wis. Stats., is a certified copy of CR 84-165, an administrative rule relating to standards for child safety restraint systems. An additional, uncertified copy of CR 84-165 is enclosed to be used as a printer's copy. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,

*Joe Maassen*  
Joe Maassen  
Assistant General Counsel

JM:ck

Enclosure

cc: K. Sue Gallagher  
Maynard Schneider  
Maynard Stoehr  
James Van Sistine