

Chapter Trans 310

CHILD RESTRAINT STANDARDS AND
EXEMPTIONS

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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 restraint systems in motor vehicles, and to delineate exceptions to their use. This chapter references federal standards applicable to child restraint systems and addresses the proper manner of wearing the restraints.

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

History: Cr. Register, February, 1983, No. 326, eff. 3-1-83.

Trans 310.02 Definitions. Along with words and phrases as defined in s. 340.01, Stats., the following definitions shall apply in the interpretation of this chapter:

(1) "Child 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.

(2) "Properly restrained" means fastened in a manner prescribed by the manufacturer of a child restraint system.

(3) "Safety belt" means a seat belt or a seat belt combined with a shoulder harness meeting federal motor vehicle safety standard number 208, and which is designed to restrain the body of a person in a motor vehicle.

(4) "Resident owned motor vehicle" means any motor vehicle not exempted by s. 347.48 (4) (c) 1, Stats., which is registered, titled or otherwise owned by a resident parent or legal guardian. This includes any applicable motor vehicle in which a resident parent or legal guardian is transporting his or her child and which vehicle is registered, titled or otherwise owned by the other parent or another legal guardian of the child.

History: Cr. Register, February, 1983, No. 326, eff. 3-1-83.

Trans 310.03 Adoption of standards. Pursuant to s. 227.025, Stats., the attorney general and the revisor of statutes have consented to the incorporation by reference of the following standards. Copies of the standards are on file in the offices of the department of transportation, the secretary of state and the revisor of statutes. Copies can be purchased from the U.S. superintendent of documents, government printing office, Washington, D.C. 20402.

Register, August, 1984, No. 344

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(1) Federal Motor Vehicle Safety Standard 213

(2) Federal Motor Vehicle Safety Standard 208

History: Cr. Register, February, 1983, No. 326, eff. 3-1-83.

Trans 310.04 Provisions for use. (1) No resident who is a parent or legal guardian of 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 restraint system meeting the provisions of federal standard number 213.

(2) No resident who is a parent or legal guardian of 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 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.

Note: A Family Shopping Guide To Infant/Child Automobile Safety Seats will be available for distribution at the following locations: Office of Transportation Information, P.O. Box 7910, Madison, WI 53707; All State Patrol District Headquarters; All Driver Licensing Examination Stations.

History: Cr. Register, February, 1983, No. 326, eff. 3-1-83.

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 restraint system, may be transported without a restraint system providing:

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

(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 letterhead 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.

History: Cr. Register, February, 1983, No. 326, eff. 3-1-83.