



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2005 Assembly Bill 618

**Assembly
Amendments 1, 2, and 3**

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2005 Assembly Bill 618 makes various changes in current law relating to child safety restraint systems and safety belt use requirements in motor vehicles.

ASSEMBLY AMENDMENT 1

Exception Repealed

Under *both current law and Assembly Bill 618*, there is an exception to the child safety restraint provisions specifying that a person other than the operator of a motor vehicle transporting a child required to be properly restrained under those provisions may *temporarily remove* a child from a safety restraint system to attend to personal needs of the child under all of the statutorily specified circumstances. [In current law these are found in s. 347.48 (4) (a) 3., Stats.; in the bill, s. 347.48 (4) (au).]

Assembly Amendment 1 repeals this exception in current law (i.e., repeals s. 347.48 (4) (a) 3., Stats.), and in the bill.

“Warning Period” Narrowed in Scope

Under *Assembly Bill 618*, for the first six months after the enactment of the bill, law enforcement officers may issue only written warnings, not citations, for child safety seat and seat belt violations if the violator has not previously received a warning or citation within this period.

Assembly Amendment 1 revises this “Warning Period” provision to make it applicable only to child safety seat or seat belt violations *involving a child who is at least 4 years old and less than eight years old* (i.e., ages 4 to 7). Thus, the provision will specify that if a law enforcement officer has probable cause to believe that a person has committed a violation involving a child who is 4 to 7 years old, the officer must issue to the person a written warning, but not a citation, for the violation if the

person has not been found to have committed, or received a written warning for, a previous violation involving a child (who is 4 to 7 years old) during this 6-month period. Other violations will not be included in the warning period (i.e., citations will be issued).

ASSEMBLY AMENDMENT 2

Under **Assembly Bill 618**, s. 347.48 (2m) (c) is amended to provide that if a motor vehicle is required to be equipped with safety belts in this state, no person may operate that motor vehicle unless **he or she reasonably believes that each passenger who is at least eight years old and not more than 16 years old** is, in accordance with other requirements in this provision, properly restrained.

Assembly Amendment 2 deletes: (1) “he or she reasonably believes that”; and (2) “and not more than 15 years old.” With this amendment, the pertinent part of this provision will read: “If a motor vehicle is required to be equipped with safety belts in this state, no person may operate that motor vehicle unless each passenger who is at least 8 years old...is properly restrained.”

ASSEMBLY AMENDMENT 3

Assembly Amendment 3 adds another nonstatutory provision to the bill, specifying that “Section 20.003 (4) of the statutes does not apply to the actions of the legislature in making this act.” Section 20.003 (4), Stats., is the provision relating to the **required general fund balance**.

Legislative History

The Assembly Committee on Highway Safety held a public hearing on the bill on August 31, 2005. The committee took executive action on the bill on September 19, 2005, and adopted Assembly Amendment 1 by a vote of Ayes, 6; Noes, 0, and recommended passage of the bill, as amended, by a vote of Ayes, 6; Noes, 0.

The bill was then referred to the Joint Committee on Finance. On October 26, 2005, the committee took executive action on the bill, and adopted Assembly Amendment 1 on a vote of Ayes, 16; Noes, 0; Assembly Amendment 2 on a vote of Ayes, 14; Noes, 2; and Assembly Amendment 3 on a vote of Ayes 14; Noes, 2. The committee then recommended passage of the bill, as amended, on a vote of Ayes, 14; Noes, 2.

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