



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Senate Bill 305

Senate Amendments 1, 2, and 3

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Current Law

Under current law, the following requirements apply to the restraint of children in motor vehicles:

- Children under age of four: must be properly restrained in a child safety seat. Violators are subject to a forfeiture of not less than \$30 nor more than \$75, but no forfeiture may be assessed if the vehicle was not equipped with a child safety seat at the time of the violation and the person provides proof that, within 30 days after the violation a child safety seat was purchased or leased and properly installed in the vehicle.
- Children between ages four and eight: must be properly restrained in a child safety seat or by a seat belt. Violators are subject to a forfeiture of not less than \$10 nor more than \$25 for a first violation or, for a second or subsequent violation within three years, a forfeiture of not less than \$25 nor more than \$200.

2005 Senate Bill 305

Senate Bill 305 creates a new tiered structure of requirements for restraining children in motor vehicles:

- Children less than one year old or who weigh less than 20 pounds: must be properly restrained in a rear-facing child safety seat in the back seat of the vehicle (if the vehicle has a back seat). Violators are subject to a forfeiture of not less than \$30 nor more than \$75.
- Children at least one year old and who weigh at least 20 pounds, but less than four years old or who weigh less than 40 pounds: must be properly restrained in a forward-facing child

safety seat in the back seat of the vehicle (if the vehicle is equipped with a back seat). Violators are subject to a forfeiture of not less than \$30 nor more than \$75.

- Children at least four years old but less than eight years old, weighing between 40 and 80 pounds, and who are no more than four feet nine inches tall: must be properly restrained in a child booster seat. Violators are subject to a forfeiture of not less than \$10 nor more than \$25 for a first violation or, for a second or subsequent violation within three years, a forfeiture of not less than \$25 nor more than \$200.
- Children under the age of eight, but who exceed the above height and weight limits: must be properly restrained in a seat belt.
- No forfeitures may be assessed for violations involving children under age four if the vehicle was not equipped with a child safety seat at the time of the violation and the person provides proof that, within 30 days after the violation a child safety seat was purchased or leased and properly installed in the vehicle. In addition, no forfeitures may be assessed involving children underage if the person has not, within the immediately preceding three years, been issued a uniform traffic citation for violating the child safety restraint requirements.
- For the first six months after the law goes into effect, warnings but not traffic citations may be issued, unless a person has violated this provision or received a warning for a previous violation during this period.
- Also, under the bill, if a child, because of age, weight, or height, falls into more than one of these categories, the child must be transported according to the more protective requirements.

Senate Amendment 1

Senate Amendment 1 does the following:

- Deletes the provision in current law that allows temporary removal of a child from a child restraint to attend to the child's personal needs.
- Makes the "warning only" provision in the bill during the first six months applicable only to restraint violations involving children who are at least four, but less than eight years old.

Senate Amendment 2

Senate Amendment 2 modifies the provision in current law, and amended by the bill, that a motor vehicle operator may not operate the vehicle *unless he or she reasonably believes* that each passenger who is at least eight years old *and not more than 16 years old* and who is seated at a designated seating position in the front seat required to have a safety belt installed, or at a designated seating position in the other seats for which a safety belt is required to be installed is properly restrained. The amendment deletes the provision requiring a *reasonable belief* on the part of the vehicle operator that the passengers are properly restrained. The amendment also deletes the 16-year old upper age limit, and makes the requirement apply to any passenger who is at least eight years old.

Therefore, under the amendment, no person may operate a motor vehicle unless each passenger who is at least eight years old is properly restrained.

Senate Amendment 3

Senate Amendment 3 provides that s. 20.003 (4), Stats., relating to the required general fund balance, does not apply to the actions of the Legislature in enacting this act.

Legislative History

The Senate Committee on Health, Children, Families, Aging and Long-Term Care recommended adoption of Senate Amendment 1 on September 15, 2005, by a vote of Ayes, 5; Noes, 0; and recommended passage of the bill, as amended, by a vote of Ayes, 5; Noes, 0.

On October 27, 2005, the Joint Committee on Finance recommended adoption of Senate Amendment 1 by a vote of Ayes, 16; Noes, 0. On October 27, 2005, the Joint Committee on Finance introduced and recommended adoption of Senate Amendments 2 and 3 by votes of Ayes, 14; and Noes, 2; and recommended passage of the bill, as amended, by a vote of Ayes, 14; Noes, 2.

LR:wu:ksm