1995 ASSEMBLY BILL 252

March 23, 1995 – Introduced by Representatives Bock, Brandemuehl, Robson, Ourada, Bell, Dobyns, Riley, Notestein, La Fave and Boyle, cosponsored by Senators Burke, Rosenzweig and Darling. Referred to Committee on Highways and Transportation.

AN ACT *to amend* 347.48 (4) (b) and (d) and 347.50 (4); and *to create* 347.48 (4)

(am) of the statutes; **relating to:** requiring the use of safety belts or child safety

restraint systems for children riding within cargo areas of motor trucks and

providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, no person may transport a child under the age of 4 years old in a motor vehicle unless that child is restrained in a child safety seat. No person may transport a child in a motor vehicle between the ages of 4 and 8 years old unless that child is restrained either in a child safety seat or by a safety belt. This requirement does not apply if the motor vehicle is not required to be equipped with safety belts or is a school bus, taxicab, motor bus, motorcycle or moped.

A person who does not comply with this requirement, if the child is under the age of 4 years old, may be required to forfeit not less than \$30 nor more than \$75. A person who does not comply with this requirement, if the child is between the ages of 4 and 8 years old, may be required to forfeit not less than \$10 nor more than \$25 for a first violation or, for a 2nd or subsequent violation within 3 years, a forfeiture of not less than \$25 nor more than \$200.

This bill provides that any person who transports a child under 16 years of age within an open or enclosed cargo area of a motor truck is required to restrain the child either in a child safety seat or by a safety belt. A person who violates this provision may be required to forfeit not less than \$10 nor more than \$25 or, for a 2nd or subsequent violation within 3 years, not less than \$25 nor more than \$200. The

requirement does not apply to persons transporting children during farming operations or in sanctioned local parades.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 347.48 (4) (am) of the statutes is created to read:

347.48 (4) (am) 1. Notwithstanding par. (c), no person may transport in a motor truck a child under the age of 4 years who is riding within an open or enclosed cargo area of the motor truck unless the child is properly restrained in a child safety restraint system approved by the department under par. (a) 1. In this subdivision, "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 include a system in which the only body restraint is a safety belt of the type required under sub. (1).

- 2. Notwithstanding par. (c), no person may transport in a motor truck a child who is at least 4 years old but less than 16 years old who is riding within an open or enclosed cargo area of the motor truck unless the child is properly restrained in a child safety restraint system approved by the department under par. (a) 1. or in a safety belt approved by the department under sub. (2). In this subdivision, "properly restrained" means fastened in a manner prescribed by the manufacturer of the system which permits the system to act as a body restraint.
- 3. Notwithstanding subds. 1. and 2., a person may temporarily remove a child who is required to be properly restrained under subd. 1. or 2. from a safety restraint system to attend to the personal needs of the child if the person physically restrains the child while attending to the child's personal needs.

4. This paragraph does not apply to a person operating a farm truck during the
planting or harvesting of crops and operating that truck other than upon a highway.
5. This paragraph does not apply to a person operating a motor truck in a
parade sanctioned by the local municipality.
Section 2. 347.48 (4) (b) and (d) of the statutes are amended to read:
347.48 (4) (b) The department may, by rule, exempt from the requirements
under par. (a) or (am) 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.
(d) Evidence of compliance or failure to comply with par. (a) or (am) is
admissible in any civil action for personal injuries or property damage resulting from
the use or operation of a motor vehicle but failure to comply with par. (a) $\underline{\text{or (am)}}$ does
not by itself constitute negligence.
SECTION 3. 347.50 (4) of the statutes is amended to read:
347.50 (4) Any person violating s. 347.48 (4) (a) 2. or (am) may be required to
forfeit not less than \$10 nor more than \$25 for the first offense. For a 2nd or
subsequent conviction within 3 years, a person may be required to forfeit not less
than \$25 nor more than \$200.

(END)