

## SENATE BILL NO. 217

INTRODUCED BY MAHLUM, BOHLINGER, COONEY

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE USE OF CHILD SAFETY RESTRAINTS IN MOTOR VEHICLES FOR CHILDREN UNDER 6 YEARS OF AGE WHO WEIGH LESS THAN ~~40~~ 60 POUNDS; ~~ASSIGNING THE RESPONSIBILITY FOR USE OF CHILD SAFETY RESTRAINTS TO THE DRIVER; REQUIRING ALL CHILDREN WHO WEIGH BETWEEN 40 AND 60 POUNDS WHO ARE PASSENGERS IN MOTOR VEHICLES TO BE PROPERLY RESTRAINED IN A BELT-POSITIONING BOOSTER SEAT IF THE MOTOR VEHICLE IS EQUIPPED WITH A COMBINATION LAP AND SHOULDER SAFETY BELT SYSTEM IN THE REAR PASSENGER SEAT;~~ REMOVING THE PROVISION REQUIRING NO MORE THAN THREE CHILD SAFETY RESTRAINT SYSTEMS IN A VEHICLE; AND AMENDING ~~SECTION~~ SECTIONS 61-9-420 AND 61-13-103, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 61-9-420, MCA, is amended to read:

**"61-9-420. Child safety restraint systems -- standards -- exemptions.** (1) If a child under ~~2~~ 6 years of age and weighing less than 40 60 pounds is a passenger in a motor vehicle, that motor vehicle must be equipped with one child safety restraint for each child in the vehicle and each child must be properly restrained.

~~—————(2) A child between 2 and 4 years of age or weighing less than between 40 pounds and 60 pounds who is a passenger in a motor vehicle must be properly restrained or restrained in a safety belt that meets applicable federal motor vehicle safety standards belt-positioning booster seat if the motor vehicle is equipped with a combination lap and shoulder safety belt system in the rear passenger seat.~~

~~(3)(2)~~ (2) The department shall by rule establish standards in compliance with 61-9-419 through 61-9-423 and applicable federal standards for approved types of child safety restraint systems ~~purchased after January 1, 1984.~~

~~(4) A person is not required to have more than three child safety restraint systems in a vehicle.~~

~~(5)(4)(3)~~ (3) The department may by rule exempt from the requirements of ~~subsection~~ subsections (1) and (2) SUBSECTION (1) a child who because of a physical or medical condition or body size cannot be placed in a child safety restraint ~~system or safety belt~~ belt-positioning booster seat."

**SECTION 2.** SECTION 61-13-103, MCA, IS AMENDED TO READ:

**"61-13-103. Seatbelt use required -- exceptions.** (1) ~~No~~ A driver may not operate a motor vehicle upon a highway of the state of Montana unless each occupant of a designated seating position is wearing a properly adjusted and fastened seatbelt or, if 61-9-420 applies, is properly restrained in a child safety restraint.

(2) The provisions of this section do not apply to:

(a) an occupant of a motor vehicle who possesses a written statement from a licensed physician that ~~he~~ the occupant is unable to wear a seatbelt for medical reasons;

(b) an occupant of a motor vehicle in which all seatbelts are being used by other occupants;

(c) an operator of a motorcycle as defined in 61-1-105 or a motor-driven cycle as defined in 61-1-106;

(d) an occupant of a vehicle licensed as special mobile equipment as defined in 61-1-104;

~~(e) children subject to the provisions of 61-9-420; or~~

~~(f)~~(e) an occupant who makes frequent stops with a motor vehicle ~~in his~~ during official job duties and who may be exempted by the department.

(3) The department may adopt rules to implement subsection ~~(2)(f)~~ (2)(e).

(4) The department or its agent may not require a driver who may be in violation of this section to stop except upon reasonable cause to believe that ~~he~~ the driver has violated another traffic regulation or that ~~his~~ the driver's vehicle is unsafe or not equipped as required by law."

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