



2013 ASSEMBLY BILL 276

August 7, 2013 - Introduced by Representatives BERNARD SCHABER, GENRICH, HESSELBEIN, OHNSTAD, POPE, RINGHAND and WRIGHT, cosponsored by Senator LEHMAN. Referred to Committee on Transportation.

- 1 **AN ACT to amend** 347.50 (2m) (a), 347.50 (3) (a) and 347.50 (4) of the statutes;
2 **relating to:** penalties for motor vehicle safety belt and child restraint system
3 violations and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, no person may drive a motor vehicle unless the driver and each passenger who is at least eight years old is properly restrained by a safety belt (seat belt). Any driver, and any passenger who is at least 16 years of age, who violates these seat belt requirements may be required to forfeit \$10.

This bill increases the penalty for violating these seat belt requirements from \$10 to \$25.

Also under current law, with certain exceptions, no child under the age of eight years may be transported in a motor vehicle unless the child is properly restrained in a child safety restraint system (car seat) or booster seat or by a seat belt. The type of restraint system required depends on the age and size of the child, with more protective systems required for younger or smaller children and less protective systems required for older or larger children. A child who is:

1. Less than one year old or who weighs less than 20 pounds must be properly restrained in a rear-facing car seat in the back seat of the vehicle if the vehicle is equipped with a back seat.

2. At least one year old and weighs at least 20 pounds but is less than four years old or weighs less than 40 pounds must be properly restrained in a forward-facing car seat in the back seat of the vehicle if the vehicle is equipped with a back seat.

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3. At least four years old but less than eight years old, weighs between 40 and 80 pounds, and is no more than four feet nine inches tall must be properly restrained in a booster seat.

4. Under the age of eight and exceeds the weight or height limits specified in item 3., above, must be properly restrained by a seat belt.

With an exception, a person who violates these car seat and booster seat requirements is subject to the following penalties: 1) if the child is less than four years old, a forfeiture of not less than \$30 nor more than \$75; and 2) if the child is at least four years old and less than eight years old, a forfeiture of not less than \$10 nor more than \$25 for a first offense and not less than \$25 nor more than \$200 for a second or subsequent conviction within three years.

This bill increases the penalty for violating these car seat and booster seat requirements as follows: 1) if the child is less than four years old, the minimum forfeiture is increased from \$30 to \$60 and the maximum forfeiture is increased from \$75 to \$150; and 2) if the child is at least four years old and less than eight years old, the minimum forfeiture for a first offense is increased from \$10 to \$25 and the maximum forfeiture is increased from \$25 to \$50 and, for a second or subsequent conviction within three years, the minimum forfeiture is increased from \$25 to \$50.

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

1 **SECTION 1.** 347.50 (2m) (a) of the statutes is amended to read:

2 347.50 **(2m)** (a) Any person who violates s. 347.48 (2m) (b) or (c) and any person
3 16 years of age or older who violates s. 347.48 (2m) (d) shall be required to forfeit \$10
4 \$25.

5 **SECTION 2.** 347.50 (3) (a) of the statutes is amended to read:

6 347.50 **(3)** (a) Any person violating s. 347.48 (4) (am) may be required to forfeit
7 not less than \$30 \$60 nor more than \$75 \$150 if the child is less than 4 years old.

8 **SECTION 3.** 347.50 (4) of the statutes is amended to read:

9 347.50 **(4)** Any person violating s. 347.48 (4) (am) may be required to forfeit not
10 less than \$10 \$25 nor more than \$25 \$50 for the first offense if the child is at least
11 4 years old and less than 8 years old. For a 2nd or subsequent conviction within 3

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1 years involving a child who is at least 4 years old and less than 8 years old, a person
2 may be required to forfeit not less than ~~\$25~~ \$50 nor more than \$200.

3 **SECTION 4. Initial applicability.**

4 (1) This act first applies to violations committed on the effective date of this
5 subsection, but does not preclude the counting of other violations as prior violations
6 for purposes of sentencing a person.

7 (END)