

2017 -- H 5456

LC001321

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- CHILD RESTRAINT SYSTEMS

Introduced By: Representatives Shekarchi, Casimiro, Williams, Vella-Wilkinson, and Solomon

Date Introduced: February 09, 2017

Referred To: House Health, Education & Welfare

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-22-22 of the General Laws in Chapter 31-22 entitled  
2 "Miscellaneous Rules" is hereby amended to read as follows:

3 **31-22-22. Safety belt use -- Child restraint.**

4 (a) (1) Any person transporting a child under the age of eight (8), less than fifty-seven  
5 (57) inches in height and less than eighty (80) pounds in a motor vehicle operated on the  
6 roadways, streets, or highways of this state, shall transport the child in any rear seating position of  
7 the motor vehicle properly restrained in a child restraint system approved by the United States  
8 Department of Transportation under Federal Standard 213. All infants and toddlers under the age  
9 of two (2) years or weighing less than thirty pounds (30 lbs.) shall be restrained in a rear-facing  
10 car seat. All children two (2) years of age or older or who have outgrown their rear-facing car seat  
11 by height or weight should use a forward-facing car seat with a harness up to the maximum  
12 allowed by the child restraint manufacturer. If the child is under eight (8) years old but at least  
13 fifty-seven (57) inches in height, or at least eighty (80) pounds the child shall be properly wearing  
14 a safety belt and/or shoulder harness approved by the Department of Transportation pursuant to  
15 Federal Standard 208 in any rear seating position of the motor vehicle. For the purpose of this  
16 section, applying to all parts of this section, "rear seating position" means any seating positions  
17 located behind the driver and front seat passenger. Under this subsection, a child must be properly  
18 restrained in the front seat if:

19 (i) The vehicle is not equipped with a back seat; or

1 (ii) All rear seating positions are being utilized by other children.

2 (2) In no event shall failure to wear a child restraint system or safety belt be considered as  
3 contributory or comparative negligence, nor the failure to wear the child restraint system, seat belt  
4 and/or shoulder harness be admissible as evidence in the trial of any civil action.

5 (b) (1) Any operator of a motor vehicle transporting a child who has attained the age of  
6 eight (8) years but is under eighteen (18) years of age in any seating position within a motor  
7 vehicle operated on the roadways, streets, or highways of the state shall ensure that the passenger  
8 is properly wearing a safety belt and/or shoulder harness system, as defined by Federal Standard  
9 208.

10 (2) Any operator of a motor vehicle under eighteen (18) years old shall properly wear a  
11 safety belt and/or shoulder harness system.

12 (3) This subsection applies only to those motor vehicles required by federal law to have  
13 safety belts.

14 (c) (1) Any person deemed in violation of subsection (a) of this section shall be issued a  
15 citation. If the cited person presents proof of purchase of a federally approved child restraint  
16 system under Standard 213 to the issuing police department within seven (7) days of issuance, the  
17 department shall void the violation. If the individual fails to present proof of purchase, he or she  
18 shall be required to appear for a hearing before the traffic tribunal, and shall be fined as provided  
19 in § 31-41.1-4 for each offense, and it shall not be recorded on the person's driving record within  
20 the rules and regulations governing chapter 41.1 of this title.

21 (2) Any person violating subsection (b) of this section shall be fined as provided in § 31-  
22 41.1-4 for each offense. The conviction shall not be recorded on that person's driving record  
23 within the rules and regulations governing chapter 41.1 of this title.

24 (d) Notwithstanding the provisions of subsection (a) of this section, any person  
25 transporting a child properly restrained in a federally approved child restraint system under  
26 Federal Standard 213, but transporting the child in a place other than a rear seating position, in  
27 violation of subsection (a) of this section, shall be subject only to the fine contained in  
28 subdivision (c)(2) of this section.

29 (e) All fines collected for violations of this section shall be payable to the state of Rhode  
30 Island. Fifty percent (50%) of the proceeds shall be shared with the municipality whose law  
31 enforcement department issued the citation for the violations.

32 (f) (1) Any operator of a motor vehicle transporting a person eighteen (18) years of age  
33 and older in any seating position of a motor vehicle operated on the roadways, streets or  
34 highways of this state shall ensure that the person be properly wearing a safety belt and/or

1 shoulder harness system, as defined by Federal Motor Vehicle Safety Standard 208.

2 (2) The provisions of this subsection shall apply only to those motor vehicles required by  
3 federal law to have safety belts.

4 (g) (1) Any person who is an operator of a motor vehicle shall be properly wearing a  
5 safety belt and/or shoulder harness system as defined by Federal Motor Vehicle Safety Standard  
6 208 while the vehicle is in operation on any of the roadways, streets, or highways of this state.

7 (2) The provisions of this subsection shall apply only to those motor vehicles required by  
8 federal law to have safety belts.

9 (h) In no event shall failure to be properly restrained by a child restraint system or safety  
10 belt be considered as negligence, nor the failure to be properly restrained by the child restraint  
11 system or safety belt be admissible as evidence in the trial of any civil action.

12 (i) The provisions of subsections (b), (f) and (g) of this section shall not apply to a driver  
13 or passenger of:

14 (1) A passenger motor vehicle manufactured before July 1, 1966;

15 (2) A passenger motor vehicle in which the driver or passenger possesses a written  
16 verification from a licensed physician that the driver or passenger is unable to wear a safety seat  
17 belt system for physical or medical reasons. The verification time period shall not exceed twelve  
18 (12) months at which time a new verification may be issued;

19 (3) A passenger motor vehicle which is not required to be equipped with a safety seat belt  
20 system under federal laws; or

21 (4) A passenger motor vehicle operated by a letter carrier of the United States Postal  
22 Service while performing the duties of a letter carrier.

23 (j) A program of public information and education designed to educate the motoring  
24 public to the benefits of wearing safety belt systems, shall be developed by the department of  
25 transportation's governor's office on highway safety. The department of transportation's office on  
26 highway safety, in cooperation with the department of health, shall study the effectiveness of the  
27 implementation of this section and shall submit to the general assembly a report containing its  
28 findings by July 1, 1999.

29 (k) Any person violating subsection (f) or (g) of this section shall be fined as provided in  
30 § 31-41.1-4. Any conviction for violating subsection (f) or (g) of this section shall not be recorded  
31 on that person's driving record within the rules and regulations governing chapter 41.1 of this  
32 title.

33 (l) No motor vehicle shall be stopped, inspected or detained to determine compliance  
34 with subsection (f) or (g) of this section without reasonable suspicion that the operator or

1 passenger(s) of the motor vehicle is in violation of this section.

2 (m) A law enforcement officer may not search a motor vehicle, its contents, the driver, or  
3 a passenger solely because of a violation of subsection (f) or (g) of this section.

4 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO MOTOR AND OTHER VEHICLES -- CHILD RESTRAINT SYSTEMS

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1           This act would require infants and toddlers under two (2) years of age or weighing less  
2 than thirty pounds (30 lbs.) be restrained in rear-facing car seats.

3           This act would take effect upon passage.

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