

HB18 INTRODUCED



1 HB18
2 QV8G554-1
3 By Representative Bolton
4 RFD: Public Safety and Homeland Security
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SYNOPSIS:

Under existing law, children are required to use child passenger restraint systems based on their age and weight. Specifically, children are required to use rear facing car seats until at least one year of age or 20 pounds; are required to use front facing convertible seats until at least five years of age or 40 pounds; and are required to use booster seats until at least six years of age.

This bill would revise the weight and age ranges for determining the appropriate child restraint system and would increase penalties associated with a violation.

A BILL
TO BE ENTITLED
AN ACT

Relating to motor vehicles; to amend Section 32-5-222, Code of Alabama 1975, to further provide for the requirement to use child passenger restraint systems and seatbelts; and to increase penalties for a violation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-5-222, Code of Alabama 1975, is



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29 amended to read as follows:

30 "§32-5-222

31 (a) Every person transporting a child in a motor
32 vehicle operated on the roadways, streets, or highways of this
33 state, shall provide for the protection of the child by
34 properly using an aftermarket or integrated child passenger
35 restraint system meeting applicable federal motor vehicle
36 safety standards and the requirements of subsection (b). This
37 section shall not be interpreted to release in part or in
38 whole the responsibility of an automobile manufacturer to
39 ~~insure~~ ensure the safety of children to a level at least
40 equivalent to existing federal safety standards for adults. In
41 no event shall failure to wear a child passenger restraint
42 system be considered as contributory negligence. The term
43 "motor vehicle" as used in this section shall include a
44 passenger car, pickup truck, van (seating capacity of 10 or
45 less), minivan, or sports utility vehicle.

46 (b) The size appropriate restraint system required for
47 a child in subsection (a) ~~must meet the requirements of~~
48 ~~Section 32-5B-4 and~~ shall include all of the following:

49 (1) Infant only seats and convertible seats ~~used~~ in the
50 rear facing position ~~for infants~~ until the child is at least
51 ~~one year~~ two years of age or ~~20 pounds~~ 35 pounds in weight. In
52 the event that a child less than two years of age weighs more
53 than the recommended weight rating for the infant seat, but
54 less than 35 pounds, a convertible seat must be used.

55 (2) Convertible seats in the forward position or
56 forward facing seats until the child is at least five years of



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57 age or ~~40 pounds~~ 65 pounds in weight.

58 (3) ~~Booster~~ Belt positioning booster seats until the
59 child is at least six years of age and can satisfy all of the
60 following conditions:

61 a. The child is able to sit all the way back against
62 the vehicle seat.

63 b. The child's knees bend comfortably at the edge of
64 the seat.

65 c. The seatbelt crosses the child's shoulder between
66 the neck and arm.

67 d. The lap belt is able to lay flat across the child's
68 upper thighs.

69 e. The child is able to stay seated as described in
70 this subdivision for the entire trip.

71 (4) Seat belts ~~until 15 years of age~~ for every other
72 individual, except as provided under Section 32-5B-4(b).

73 (c) In addition to the requirements of subsection (a)
74 and (b), it is recommended that no child under 13 years of age
75 ride in the front seat of a motor vehicle, and further
76 recommended that the child should ride in the second or third
77 row of the motor vehicle, unless either of the following
78 circumstances exist:

79 (1) The motor vehicle does not have a second row of
80 seats.

81 (2) Circumstances require the child to use the front
82 seat, including when all otherwise available second or third
83 row seats are full or are equipped with a child passenger
84 restraint system not applicable to the child.



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85 ~~(e)~~ (d) ~~No provision of this~~ This section shall not be
86 construed ~~as creating~~ to create any duty, standard of care,
87 right, or liability between parent and child that is not
88 recognized under the laws of the State of Alabama ~~as they~~
89 ~~presently exist, or may, at any time in the future, be~~
90 ~~constituted by statute or decision.~~

91 ~~(d)~~ (e) Any person violating ~~the provisions of~~ this
92 section shall be required to attend a court hearing on the
93 violation, which may not be waived.

94 (f) (1) a. On a first violation, the person may be fined
95 twenty-five dollars (\$25) ~~for each offense.~~

96 b. On a second violation within a five-year period, the
97 person shall be fined fifty dollars (\$50).

98 c. On a third violation within a five-year period, the
99 person shall be fined one hundred dollars (\$100).

100 d. On a four or subsequent violation within a five-year
101 period, the person shall be fined one hundred fifty dollars
102 (\$150).

103 (2) ~~The charges~~ Upon a first violation only, the charge
104 may be dismissed by the trial judge hearing the case and no
105 court costs shall be assessed upon proof of acquisition of an
106 appropriate child passenger restraint.

107 ~~(e)~~ (g) Fifteen dollars (\$15) of a fine imposed under
108 subsection ~~(d)~~ (f) shall be used to distribute vouchers for
109 size appropriate child passenger restraint systems to families
110 of limited income in the state. The fifteen dollars (\$15)
111 shall be deposited in the State Treasury to be distributed by
112 the state Comptroller to the Department of Public Health,



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113 which shall administer the program free of charge.

114 ~~(f)~~ (h) Nothing ~~The provisions of this section~~
115 ~~notwithstanding, nothing contained herein~~ in this section
116 shall be deemed a violation of any law ~~which~~ that would
117 otherwise nullify or change ~~in any way~~ the provisions or
118 coverage of any insurance contract.

119 ~~(g)~~ (i) For the purpose of identifying habitually
120 negligent drivers and habitual or frequent violators, the
121 ~~Department of Public Safety~~ Secretary of the Alabama State Law
122 Enforcement Agency shall assess the following points:

123 (1) Violation of child safety restraint requirements,
124 first offense1 point.

125 (2) Violation of child safety restraint requirements,
126 second or subsequent offense2 points.

127 ~~(h)~~ (j) Every person transporting a child shall be
128 responsible for ~~assuring~~ ensuring that each child is properly
129 restrained pursuant to this section. ~~The provisions shall;~~
130 provided, this subsection does not apply to taxis ~~and all~~ or
131 motor vehicles with a seating capacity of 11 or more
132 passengers.

133 ~~(i)~~ (k) Each state, county, and municipal police
134 department shall maintain statistical information on traffic
135 stops of minorities pursuant to this section, and shall report
136 that information monthly to the ~~Department of Public~~
137 ~~Safety~~ Alabama State Law Enforcement Agency and the Office of
138 the Attorney General."

139 Section 2. This act shall become effective on October
140 1, 2025.