

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0248.01 Josh Schultz x5486

HOUSE BILL 24-1055

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A BILL FOR AN ACT

101 **CONCERNING IMPROVING CHILD PASSENGER SAFETY.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Transportation Legislation Review Committee.** The bill creates the child passenger safety education and distribution grant program (grant program) within the department of transportation (department). The department is required to promulgate rules specifying the time frames for applying for grants, the form of the grant program application, the criteria for determining who is eligible for the grant program, the criteria the department shall consider in awarding grants, and the deadlines for distributing grant money.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

Grant recipients shall use the money received through the grant program for the following purposes:

- To provide funding for the certification or recertification of child passenger safety technicians;
- To educate families on the child passenger safety laws; or
- To create child restraint system distribution programs for families of children who do not have a legally compliant child restraint system.

The bill creates the child passenger safety education and distribution grant program fund (fund) to pay for the grant program. The fund consists of general fund money and any other gifts, grants, or donations that the department receives. The department may use money from the fund to pay the direct and indirect costs that the department incurs to administer the grant program.

The bill changes the child restraint system requirements in existing law as follows:

- Increases the age at which children are required to use a child restraint system from under 8 years of age to under 9 years of age and adds that a child under 57 inches in height, regardless of age, must use a child restraint system;
- Increases the age, from under one year of age to under 2 years of age, and the weight, from under 20 pounds to under 40 pounds, of children who must be restrained in a rear-facing child restraint system in a rear seat of the vehicle;
- Increases the age, from one year of age or older to 2 years of age or older, of children who must be restrained in a rear-facing or forward-facing child restraint system in a rear seat of the vehicle, if a rear seat is available;
- Adds a requirement that children who are at least 4 years of age but under 9 years of age and who weigh at least 40 pounds utilize a booster seat, which must be situated in a rear seat of the vehicle, if a rear seat is available; and
- Adds a requirement that children who are at least 9 years of age but under 13 years of age sit in the rear seat of a vehicle, if a rear seat is available, and be properly secured with a safety belt.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) Cars remain a leading cause of death for children in Colorado;

1 from 2015 to 2019, 48 children under age eight were killed in passenger  
2 vehicle crashes. The Colorado department of transportation estimates that  
3 59% to nearly 84% of children are improperly restrained while riding in  
4 a vehicle.

5 (b) According to data from the federal centers for disease control  
6 and prevention, American Indian and Alaska Native children and Black  
7 children are more likely to be killed in a crash than white children.  
8 Children in rural areas are also typically at higher risk, as studies indicate  
9 that children in rural areas are more likely to be incorrectly restrained than  
10 children in urban areas.

11 (c) In 2018, the American Academy of Pediatrics updated its child  
12 passenger safety best practice recommendations to optimize safety in  
13 passenger vehicles for children from birth through adolescence.  
14 Colorado's child passenger safety laws related to car seats, booster seats,  
15 and seat belt requirements have not been updated in over a decade and  
16 have fallen behind in ensuring children in Colorado are as safe as possible  
17 if or when a motor vehicle crash occurs.

18 (d) It is critical for families to have timely access to replacement  
19 car seats following an accident and when children have medically  
20 complex needs requiring specialized adaptive car seats; and

21 (e) Twenty-three states, the District of Columbia, and the United  
22 States Virgin Islands require children younger than two be in a  
23 rear-facing child safety seat. Research shows that children aged 0-4 years  
24 are less likely to be injured in a motor vehicle crash if they are restrained  
25 in a rear-facing car seat, as opposed to a forward-facing car seat.

26 (2) Therefore, the general assembly further declares that it is in  
27 the best interest of the state of Colorado to modernize child passenger

1 safety laws and provide education and child restraint system distribution  
2 programs to parents and caregivers to ensure children in Colorado are as  
3 safe as possible when traveling in a motor vehicle.

4 **SECTION 2.** In Colorado Revised Statutes, **add** part 6 to article  
5 of title 43 as follows:

6 **PART 6**  
7 **CHILD PASSENGER SAFETY EDUCATION AND**  
8 **DISTRIBUTION GRANT PROGRAM**

9 **43-5-601. Short title.** THE SHORT TITLE OF THIS PART 6 IS THE  
10 "CHILD PASSENGER SAFETY EDUCATION AND DISTRIBUTION GRANT  
11 PROGRAM ACT".

12 **43-5-602. Definitions.** AS USED IN THIS PART 6, UNLESS THE  
13 CONTEXT OTHERWISE REQUIRES:

14 (1) "CHILD RESTRAINT SYSTEM" MEANS A SPECIALLY DESIGNED  
15 SEATING SYSTEM THAT:

16 (a) IS DESIGNED TO PROTECT, HOLD, OR RESTRAIN A CHILD IN A  
17 MOTOR VEHICLE IN SUCH A WAY AS TO PREVENT OR MINIMIZE INJURY TO  
18 THE CHILD IN THE EVENT OF A MOTOR VEHICLE ACCIDENT;

19 (b) IS EITHER PERMANENTLY AFFIXED TO A MOTOR VEHICLE OR IS  
20 AFFIXED TO SUCH VEHICLE BY A SAFETY BELT OR A UNIVERSAL  
21 ATTACHMENT SYSTEM; AND

22 (c) MEETS THE FEDERAL MOTOR VEHICLE SAFETY STANDARDS SET  
23 FORTH IN 49 CFR 571.213, AS AMENDED.

24 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION  
25 CREATED IN SECTION 43-1-103.

26 (3) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF  
27 THE DEPARTMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

1 (4) "FUND" MEANS THE CHILD PASSENGER SAFETY EDUCATION AND  
2 DISTRIBUTION GRANT PROGRAM FUND CREATED IN SECTION 43-5-605.

3 (5) "GRANT PROGRAM" MEANS THE CHILD PASSENGER SAFETY  
4 EDUCATION AND DISTRIBUTION GRANT PROGRAM CREATED IN SECTION  
5 43-5-603.

6 **43-5-603. Child passenger safety education and distribution**  
7 **grant program - created - rules.** (1) FOR PURPOSES OF KEEPING  
8 CHILDREN AS SAFE AS POSSIBLE WHEN TRAVELING IN A MOTOR VEHICLE  
9 AND MINIMIZING THE RISK OF SERIOUS INJURY OR DEATH TO CHILDREN  
10 WHEN INVOLVED IN A MOTOR VEHICLE ACCIDENT, THERE IS CREATED  
11 WITHIN THE DEPARTMENT THE CHILD PASSENGER SAFETY EDUCATION AND  
12 DISTRIBUTION GRANT PROGRAM TO PROVIDE GRANTS TO FUND TRAINING  
13 FOR CERTIFIED CHILD PASSENGER SAFETY TECHNICIANS; ENHANCE PARENT  
14 AND CAREGIVER AWARENESS AND EDUCATION ON PROPER CHILD  
15 RESTRAINT SYSTEM USAGE; AND PROVIDE EQUITABLE ACCESS TO CHILD  
16 RESTRAINT SYSTEMS, SUCH AS CAR SEATS, TO PARENTS AND CAREGIVERS  
17 WHO DO NOT HAVE A LEGALLY COMPLIANT CHILD RESTRAINT SYSTEM.

18 (2) GRANT RECIPIENTS SHALL USE THE MONEY RECEIVED THROUGH  
19 THE GRANT PROGRAM FOR THE FOLLOWING PURPOSES:

20 (a) TO PROVIDE FUNDING FOR NATIONAL CERTIFICATION OR  
21 RECERTIFICATION OF CHILD PASSENGER SAFETY TECHNICIANS THROUGH  
22 THE NATIONAL CHILD PASSENGER SAFETY CERTIFICATION TRAINING  
23 PROGRAM;

24 (b) TO EDUCATE FAMILIES ON THE COLORADO CHILD PASSENGER  
25 RESTRAINT LAWS AND PERSONALIZED CHILD RESTRAINT SYSTEM SAFETY  
26 INSTALLATION INSTRUCTIONS TO PROTECT INFANTS AND CHILDREN; OR

27 (c) TO CREATE CHILD RESTRAINT SYSTEM DISTRIBUTION

1 PROGRAMS FOR FAMILIES OF CHILDREN WHO DO NOT HAVE A LEGALLY  
2 COMPLIANT CHILD RESTRAINT SYSTEM.

3 (3) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM  
4 AND, SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS  
5 PROVIDED IN THIS PART 6. GRANTS MUST BE PAID OUT OF THE FUND.

6 (4) (a) THE EXECUTIVE DIRECTOR SHALL IMPLEMENT THE GRANT  
7 PROGRAM IN ACCORDANCE WITH THIS PART 6. PURSUANT TO ARTICLE 4 OF  
8 TITLE 24, BY JANUARY 1, 2025, THE EXECUTIVE DIRECTOR SHALL  
9 PROMULGATE SUCH RULES AS ARE REQUIRED IN THIS SUBSECTION (4) AND  
10 SUCH ADDITIONAL RULES AS MAY BE NECESSARY TO IMPLEMENT THE  
11 GRANT PROGRAM. AT A MINIMUM, THE RULES MUST SPECIFY THE TIME  
12 FRAMES FOR APPLYING FOR GRANTS, THE FORM OF THE GRANT PROGRAM  
13 APPLICATION, THE CRITERIA FOR DETERMINING ELIGIBILITY FOR THE  
14 GRANT PROGRAM, THE CRITERIA THE DEPARTMENT SHALL CONSIDER IN  
15 AWARDING GRANTS, INFORMATION GRANT RECIPIENTS MUST INCLUDE IN  
16 REPORTS PURSUANT TO SECTION 43-5-604, AND THE DEADLINES FOR  
17 DISTRIBUTING GRANT MONEY.

18 (b) THE DEPARTMENT SHALL WORK IN COLLABORATION WITH THE  
19 COLORADO STATE PATROL AND THE COLORADO DEPARTMENT OF PUBLIC  
20 HEALTH AND ENVIRONMENT IN DEVELOPING RULES FOR THE GRANT  
21 PROGRAM AND IN IMPLEMENTING, MANAGING, AND REPORTING ON THE  
22 GRANT PROGRAM.

23 (5) TO RECEIVE A GRANT, AN ELIGIBLE RECIPIENT MUST SUBMIT AN  
24 APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH RULES  
25 DEVELOPED PURSUANT TO SUBSECTION (4) OF THIS SECTION.

26 (6) IN AWARDING GRANTS, THE DEPARTMENT SHALL PRIORITIZE  
27 DIVERSE COMMUNITIES, INCLUDING THOSE IN LOW-INCOME AND RURAL

1 AREAS OF THE STATE, TO PROMOTE EQUITABLE ACCESS TO CHILD  
2 RESTRAINT SYSTEMS.

3 **43-5-604. Reporting requirements.** (1) ON OR BEFORE MARCH  
4 1, 2026, AND ON OR BEFORE MARCH 1 EACH YEAR THEREAFTER, EACH  
5 PERSON THAT RECEIVES A GRANT THROUGH THE GRANT PROGRAM SHALL  
6 SUBMIT A REPORT TO THE DEPARTMENT. AT A MINIMUM, THE REPORT  
7 MUST INCLUDE THE FOLLOWING INFORMATION:

8 (a) FOR ANY GRANT RECIPIENT USING FUNDS FOR CHILD RESTRAINT  
9 SYSTEM DISTRIBUTION, DE-IDENTIFIED AND AGGREGATED DATA ON THE  
10 DEMOGRAPHICS OF FAMILIES WHO RECEIVE CHILD RESTRAINT SYSTEMS  
11 THROUGH THE GRANT PROGRAM, INCLUDING THE FAMILIES' LOCATION AND  
12 INCOME; AND

13 (b) ANY OTHER INFORMATION THE DEPARTMENT MAY REQUIRE BY  
14 RULE.

15 (2) ON OR BEFORE DECEMBER 1, 2026, AND ON OR BEFORE  
16 DECEMBER 1 EACH YEAR THEREAFTER FOR THE DURATION OF THE GRANT  
17 PROGRAM, THE DEPARTMENT SHALL SUBMIT A SUMMARIZED REPORT ON  
18 THE GRANT PROGRAM TO THE HOUSE OF REPRESENTATIVES  
19 TRANSPORTATION, HOUSING, AND LOCAL GOVERNMENT COMMITTEE AND  
20 THE SENATE TRANSPORTATION AND ENERGY COMMITTEE, OR THEIR  
21 SUCCESSOR COMMITTEES. BEGINNING IN JANUARY 2027, AND IN JANUARY  
22 EVERY YEAR THEREAFTER, THE DEPARTMENT SHALL INCLUDE, AS PART OF  
23 ITS PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY  
24 SECTION 2-7-203, THE SUMMARIZED REPORT ON THE GRANT PROGRAM. AT  
25 A MINIMUM, THE REPORT MUST INCLUDE:

26 (a) INFORMATION ON THE GRANT RECIPIENTS;

27 (b) INFORMATION ON HOW RECIPIENTS USED THE GRANT MONEY,

1 INCLUDING THE NUMBER OF CERTIFIED CHILD PASSENGER SAFETY  
2 TECHNICIANS TRAINED, THE TYPE AND NUMBER OF EDUCATIONAL  
3 OPPORTUNITIES PROVIDED TO FAMILIES, AND THE NUMBER OF CHILD  
4 RESTRAINT SYSTEMS DISTRIBUTED; AND

5 (c) ANY OTHER MEASURABLE OUTCOMES THAT THE DEPARTMENT  
6 DEEMS APPROPRIATE.

7 (3) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE  
8 REPORTING REQUIREMENTS SET FORTH IN THIS SECTION CONTINUE UNTIL  
9 THE GRANT PROGRAM REPEALS PURSUANT TO SECTION 43-5-606.

10 **43-5-605. The child passenger safety education and**  
11 **distribution grant program fund - created.** (1) (a) THERE IS CREATED  
12 IN THE STATE TREASURY THE CHILD PASSENGER SAFETY EDUCATION AND  
13 DISTRIBUTION GRANT PROGRAM FUND. THE FUND CONSISTS OF ANY MONEY  
14 APPROPRIATED OR TRANSFERRED TO THE FUND BY THE GENERAL  
15 ASSEMBLY AND ANY GIFTS, GRANTS, OR DONATIONS TO THE FUND FROM  
16 PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS PART 6.

17 (b) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS,  
18 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE  
19 PURPOSES OF THIS PART 6. ALL PRIVATE AND PUBLIC MONEY RECEIVED  
20 THROUGH GIFTS, GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE  
21 STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

22 (2) MONEY IN THE FUND IS SUBJECT TO ANNUAL APPROPRIATION  
23 BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR THE PURPOSES  
24 SPECIFIED IN THIS PART 6. THE DEPARTMENT MAY USE A PORTION OF THE  
25 MONEY ANNUALLY APPROPRIATED FOR THE GRANT PROGRAM TO PAY THE  
26 DIRECT AND INDIRECT COSTS THAT THE DEPARTMENT INCURS TO  
27 ADMINISTER THE GRANT PROGRAM.



1 (3) ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING  
2 IN THE FUND AT THE END OF ANY FISCAL YEAR REMAINS IN THE FUND AND  
3 SHALL NOT BE TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

4 (4) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED  
5 AND UNENCUMBERED MONEY IN THE FUND ON AUGUST 30, 2030, TO THE  
6 GENERAL FUND.

7 **43-5-606. Repeal of part.** THIS PART 6 IS REPEALED, EFFECTIVE  
8 SEPTEMBER 1, 2030.

9 **SECTION 3.** In Colorado Revised Statutes, 24-75-402, **add**  
10 (5)(eee) as follows:

11 **24-75-402. Cash funds - limit on uncommitted reserves -**  
12 **reduction in the amount of fees - exclusions - definitions.**

13 (5) Notwithstanding any provision of this section to the contrary, the  
14 following cash funds are excluded from the limitations specified in this  
15 section:

16 (eee) THE CHILD PASSENGER SAFETY EDUCATION AND  
17 DISTRIBUTION GRANT PROGRAM FUND CREATED IN SECTION 43-5-605.

18 **SECTION 4.** In Colorado Revised Statutes, 42-4-236, **amend**  
19 (2)(a), (2)(b), and (3)(b) as follows:

20 **42-4-236. Child restraint systems required - definitions -**  
21 **exemptions.** (2) (a) (I) Unless exempted pursuant to subsection (3) of  
22 this section and except as otherwise provided in ~~subparagraphs (H) and~~  
23 ~~(HH) of this paragraph (a)~~ SUBSECTIONS (2)(a)(II), (2)(a)(III), (2)(a)(IV),  
24 AND (2)(a)(V) OF THIS SECTION, every child who is under ~~eight~~ NINE years  
25 of age OR UNDER FIFTY-SEVEN INCHES IN HEIGHT and who is being  
26 transported in this state in a motor vehicle or in a vehicle operated by a  
27 child care center shall be properly restrained in a child restraint system

1 according to the manufacturer's instructions.

2 (II) If the child is ~~less than one year~~ UNDER TWO YEARS of age,  
3 ~~and weighs less than twenty~~ UNDER FORTY pounds, AND IS UNDER FORTY  
4 INCHES IN HEIGHT, the child shall be properly restrained in a rear-facing  
5 child restraint system in a rear seat of the vehicle.

6 (III) If the child is ~~one year~~ TWO YEARS of age or older but less  
7 than four years of age and weighs AT LEAST TWENTY POUNDS BUT less  
8 than forty pounds, ~~but at least twenty pounds~~, the child shall be properly  
9 restrained:

10 (A) In a rear-facing or forward-facing child restraint system; AND

11 (B) IN A REAR SEAT OF THE VEHICLE, IF A REAR SEAT IS AVAILABLE.

12 (IV) A CHILD WHO IS FOUR YEARS OF AGE OR OLDER BUT UNDER  
13 NINE YEARS OF AGE AND WHO IS AT LEAST FORTY POUNDS SHALL BE  
14 PROPERLY RESTRAINED:

15 (A) IN A BOOSTER SEAT; AND

16 (B) IN A REAR SEAT OF THE VEHICLE, IF A REAR SEAT IS AVAILABLE.

17 (V) A CHILD WHO IS NINE YEARS OF AGE OR OLDER BUT UNDER  
18 THIRTEEN YEARS OF AGE SHALL BE:

19 (A) IN THE REAR SEAT OF A VEHICLE, IF A REAR SEAT IS  
20 AVAILABLE; AND

21 (B) PROPERLY SECURED WITH A SAFETY BELT.

22 (b) Unless excepted pursuant to subsection (3) of this section,  
23 every child who is at least ~~eight~~ NINE years of age but less than sixteen  
24 years of age who is being transported in this state in a motor vehicle or in  
25 a vehicle operated by a child care center shall be properly restrained in a  
26 safety belt or child restraint system according to the manufacturer's  
27 instructions.

1           (3) Except as provided in section 42-2-105.5 (4), subsection (2)  
2 of this section does not apply to a child who:

3           (b) Is less than ~~eight~~ NINE years of age and is being transported in  
4 a motor vehicle as a result of a medical or other life-threatening  
5 emergency and a child restraint system is not available;

6           **SECTION 5. Safety clause.** The general assembly finds,  
7 determines, and declares that this act is necessary for the immediate  
8 preservation of the public peace, health, or safety or for appropriations for  
9 the support and maintenance of the departments of the state and state  
10 institutions.