

## SENATE BILL NO. 150

INTRODUCED BY D. SANDS

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO CHILD SAFETY RESTRAINT REQUIREMENTS IN MOTOR VEHICLES; REQUIRING THE USE OF A CHILD SAFETY RESTRAINT FOR CHILDREN UNDER CERTAIN AGE OR HEIGHT THRESHOLDS; REQUIRING CHILDREN UNDER 13 YEARS OF AGE TO RIDE IN A REAR SEAT WHEN AVAILABLE; AND AMENDING 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) ~~(a) If a child under 6 years of age and weighing less than 60 pounds is a passenger in a motor vehicle, that~~ A motor vehicle must be equipped with one child safety restraint for each child in the vehicle and each child must be properly restrained if the child:

(i) is under 8 years of age;

(ii) weighs less than 65 pounds; and

(iii) is under 57 inches in height.

(b) The child safety restraint must be appropriate for the height and weight of the child as indicated by manufacturer standards.

(2) If a child under 13 years of age is a passenger in a motor vehicle, the child must be properly restrained in a rear seat of the motor vehicle when available, unless all rear seats are in use by children who are under 13 years of age.

(3) 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.

~~(3)~~(4) The department may by rule exempt from the requirements of subsection (1) a child who because of a physical or medical condition or body size cannot be placed in a child safety restraint."

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2           **Section 2.** Section 61-13-103, MCA, is amended to read:

3           **"61-13-103. Seatbelt use required -- exceptions.** (1) A driver may not operate a motor vehicle upon  
4 a highway of the state of Montana unless each occupant of a designated seating position is wearing a properly  
5 adjusted and fastened seatbelt or, if 61-9-420 applies, is properly restrained in a child safety restraint.

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

7           (a) an occupant of a motor vehicle who possesses a written statement from a licensed physician,  
8 licensed physician assistant, or advanced practice registered nurse, as defined in 37-8-102, that the occupant  
9 is unable to wear a seatbelt for medical reasons;

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

11           (c) an operator of a motorcycle or a motor-driven cycle;

12           (d) an occupant of a vehicle licensed as special mobile equipment; or

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

15           (3) The department or its agent may not require a driver who may be in violation of this section to stop  
16 except:

17           (a) upon reasonable cause to believe that the driver has violated another traffic regulation or that the  
18 driver's vehicle is unsafe or not equipped as required by law; or

19           (b) if a person in the vehicle who is ~~under 6 years of age and weighs less than 60 pounds~~ under 13  
20 years of age is not properly restrained under 61-9-420 or this section."

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