

2011 -- H 5444

LC00877

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- CHILD RESTRAINTS

Introduced By: Representatives Mattiello, Marcello, Hearn, Johnston, and DaSilva

Date Introduced: February 16, 2011

Referred To: House Judiciary

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.** -- (a) (1) Any person transporting a child
4 under the age of eight (8), less than fifty-seven (57) inches in height and less than eighty (80)
5 pounds in a motor vehicle operated on the roadways, streets, or highways of this state, shall
6 transport the child in any rear seating position of the motor vehicle properly restrained in a child
7 restraint system approved by the United States Department of Transportation under Federal
8 Standard 213. If the child is under eight (8) years old but at least fifty-seven (57) inches in height,
9 or at least eighty (80) pounds the child shall be properly wearing a safety belt and/or shoulder
10 harness approved by the Department of Transportation pursuant to Federal Standard 208 in any
11 rear seating position of the motor vehicle. For the purpose of this section, applying to all parts of
12 this section, "rear seating position" means any seating positions located behind the driver and
13 front seat passenger. Under this subsection, a child must be properly restrained in the front seat if:

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

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

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

19 (b) (1) Any operator of a motor vehicle transporting a child who has attained the age of

1 eight (8) years but is under eighteen (18) years of age in any seating position within a motor
2 vehicle operated on the roadways, streets, or highways of the state shall ensure that the passenger
3 is properly wearing a safety belt and/or shoulder harness system, as defined by Federal Standard
4 208.

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

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

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

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

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

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

27 (f) (1) Any operator of a motor vehicle transporting a person eighteen (18) years of age
28 and older in any seating position of a motor vehicle operated on the roadways, streets or
29 highways of this state shall ensure that the person be properly wearing a safety belt and/or
30 shoulder harness system, as defined by Federal Motor Vehicle Safety Standard 208.

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

33 (g) (1) Any person who is an operator of a motor vehicle shall be properly wearing a
34 safety belt and/or shoulder harness system as defined by Federal Motor Vehicle Safety Standard

1 208 while the vehicle is in operation on any of the roadways, streets, or highways of this state.

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

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

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

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

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

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

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

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

24 ~~(k) Violations of subsections (f) and (g) of this section shall be considered secondary~~
25 ~~offenses and no motor vehicle may be stopped by any state or municipal law enforcement agency~~
26 ~~for failure of an operator or passenger to wear a safety belt system or for any violation of~~
27 ~~subsections (f) or (g) of this section; provided, that a motor vehicle may be stopped for failure to~~
28 ~~comply with the child restraint system as described in subsections (a) and (b) of this section.~~

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would provide that an adult's failure to wear a safety belt while operating a
2 motor vehicle or his or her failure to ensure that adult passengers are wearing safety belts would
3 constitute a primary, rather than a secondary offense.

4 This act would take effect upon passage.

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