

HOUSE BILL 112

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 47,
Chapter 18, relative to child safety.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding the following as a new, appropriately designated part:

§ 47-18-_01. As used in this part, unless the context otherwise requires:

(1) "Seller" means a person who regularly sells goods at retail;

(2) "Shopping cart" means a cart supplied by a seller, for use by individual consumers to transport merchandise on the seller's property;

(3) "Shopping cart child protective device" means a strap, restraint system, device, or piece of equipment designed, using reasonable engineering standards, to aid in the safety of a child while seated in a shopping cart; and meeting all sections of ASTM F2372-04 Standard Consumer Safety Performance Specification for Shopping Carts; and

(4) "Shopping cart child seat" means a seat designed and built into a shopping cart that is intended to be used and is capable of holding children between the ages of at least six (6) months of age and at least fifteen pounds (15 lbs) up to children who are not more than four (4) years of age and who weigh no more than thirty-five pounds (35 lbs). "Shopping cart child seat" includes, but is not limited to, basket seats.

§ 47-18-_02.

(a) A seller that provides shopping carts equipped with shopping cart child seats shall ensure that any such cart that is placed in commercial use on or

after July 1, 2011, is equipped with a shopping cart child protective device meeting ASTM F2372-04.

(b) Sellers shall ensure that any shopping cart child seat that is covered by subsection (a) is maintained in a manner that will continue to meet the requirements of ASTM F2372-04 for as long as that cart is in service by the seller.

(c) This part incorporates by reference only the technical specifications in the ASTM F2372-04 Standard Consumer Safety Performance Specification for Shopping Carts. Sellers may consider other recommendations of ASTM, including educational materials for their customers on shopping cart safety, but are not required to follow those recommendations.

§ 47-18-03. A violation of this part shall be construed to constitute an unfair and deceptive practice affecting the conduct of trade as provided by the Tennessee Consumer Protection Act, compiled in part 1 of this chapter, and shall be enforced by the division of consumer affairs in the department of commerce and insurance. The penalties and remedies provided in part 1 of this chapter shall be applicable to a violation of this part; provided, however, that § 47-18-109 shall not apply to alleged violations of this part.

§ 47-18-04. The division shall make available to sellers technical assistance to further their compliance with this part and shopping cart child safety practices, including copies of the ASTM standard and such other materials as may be available from other sources. The division shall also study effective means of raising awareness among consumers on shopping cart child safety practices, including awareness campaigns through existing retail and child safety organizations. The division may, in its discretion,

implement any such programs as it deems in the public interest and fiscally prudent to carry out its responsibilities under this part.

SECTION 2. For purposes of the division making available technical assistance to sellers and studying means of raising consumer awareness, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2011, the public welfare requiring it.