

1 H.135

2 Introduced by Representatives Mrowicki of Putney, French of Randolph,

3 Lenes of Shelburne, McCarthy of St. Albans City, and

4 Waite-Simpson of Essex

5 Referred to Committee on

6 Date:

7 Subject: Motor vehicles; child restraint system; penalties; child neglect;

8 mandatory reporting

9 Statement of purpose of bill as introduced: This bill proposes to increase the  
10 penalties for operating a motor vehicle while an occupant under age 18 is not  
11 properly restrained, and to require that persons adjudicated of three or more  
12 violations of the child restraint law be reported to the Commissioner for  
13 Children and Families for child neglect.

14 An act relating to penalties for violating the child restraint system law

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. 23 V.S.A. § 1258 is amended to read:

17 § 1258. CHILD RESTRAINT SYSTEMS; PERSONS UNDER AGE 18

18 (a) ~~No~~ A person shall not operate a motor vehicle, other than a type I

19 school bus, in this ~~state~~ State upon a public highway unless every occupant

20 under age 18 is properly restrained in a ~~federally-approved~~ federally approved

1 child passenger restraining system as defined in 49 C.F.R. § 571.213 (1993) or  
2 a ~~federally approved~~ federally approved safety belt, as follows:

3 (1) all children under the age of one, and all children weighing less than  
4 20 pounds, regardless of age, shall be restrained in a rear-facing position,  
5 properly secured in a ~~federally approved~~ federally approved child passenger  
6 restraining system, which shall not be installed in front of an active air bag;

7 (2) a child weighing more than 20 pounds, and who is one year of age or  
8 older and under the age of eight years, shall be restrained in a child passenger  
9 restraining system; and

10 (3) a child eight through 17 years of age shall be restrained in a safety  
11 belt system or a child passenger restraining system.

12 (b) A person shall not be adjudicated in violation of this section if:

13 (1) the motor vehicle is regularly used to transport passengers for hire,  
14 except that a motor vehicle owned or operated by a child care facility shall not  
15 qualify for this exemption;

16 (2) the motor vehicle was manufactured without safety belts; or

17 (3) the person has been ordered by an enforcement officer, a firefighter,  
18 or an authorized civil authority to evacuate persons from a stricken area.

19 (c) The penalty for violation of this section shall be as follows:

20 (1) ~~\$25.00~~ not less than \$250.00 for a first violation;

21 (2) ~~\$50.00~~ not less than \$500.00 for a second violation;

1 (3) ~~\$100.00~~ not less than \$1,000.00 for third and subsequent violations.

2 (d) As required under 33 V.S.A. § 4913(a)(2), the Commissioner of Motor  
3 Vehicles shall report a person adjudicated of a third or subsequent violation of  
4 this section to the Commissioner for Children and Families for child neglect.  
5 The report shall state the fact that adjudication of a third or subsequent  
6 violation this section has triggered the report, the name of the person  
7 adjudicated of the violations, the dates of the violations, and the information  
8 specified in 33 V.S.A. § 4914 to the extent that it is available in the records of  
9 the violations.

10 Sec. 2. 33 V.S.A. § 4913 is amended to read:

11 § 4913. REPORTING CHILD ABUSE AND NEGLECT; REMEDIAL  
12 ACTION

13 (a)(1) Any physician, surgeon, osteopath, chiropractor, or physician's  
14 assistant licensed, certified, or registered under the provisions of Title 26, any  
15 resident physician, intern, or any hospital administrator in any hospital in this  
16 ~~state~~ State, whether or not so registered, and any registered nurse, licensed  
17 practical nurse, medical examiner, emergency medical personnel as defined in  
18 24 V.S.A. § 2651(6), dentist, psychologist, pharmacist, any other health care  
19 provider, child care worker, school superintendent, headmaster of an approved  
20 or recognized independent school as defined in 16 V.S.A. § 11, school teacher,  
21 student teacher, school librarian, school principal, school guidance counselor,

1 and any other individual who is employed by a school district or an approved  
2 or recognized independent school, or who is contracted and paid by a school  
3 district or an approved or recognized independent school to provide student  
4 services, mental health professional, social worker, probation officer, any  
5 employee, contractor, and grantee of the ~~agency of human services~~ Agency of  
6 Human Services who have contact with clients, police officer, camp owner,  
7 camp administrator, camp counselor, or member of the clergy who has  
8 reasonable cause to believe that any child has been abused or neglected, shall  
9 report or cause a report to be made in accordance with the provisions of section  
10 4914 of this title within 24 hours. As used in this subsection, "camp" includes  
11 any residential or nonresidential recreational program.

12 (2) The Commissioner of Motor Vehicles shall report a person  
13 adjudicated of a third or subsequent violation of 23 V.S.A. § 1258 (child  
14 restraint system required) for child neglect in accordance with 23 V.S.A.  
15 § 1258(d).

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17 Sec. 3. EFFECTIVE DATE

18 This act shall take effect on July 1, 2013.