

2019 Regular Session

SENATE BILL NO. 76

BY SENATORS TARVER AND CARTER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MOTOR VEHICLES. Provides relative to child safety seats. (8/1/19)

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AN ACT

To amend and reenact R.S. 32:295(A), relative to child passenger restraint systems; to increase the age a child shall be restrained in a rear-facing child safety seat; to increase the age a child shall be restrained in a forward-facing child safety seat; to increase the age a child shall be restrained in a child booster seat; to increase the age a child shall be restrained in an adult safety belt; to require that a child under a certain age is restrained in the rear seat of a motor vehicle; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:295(A)(1)(a) and (b) is hereby amended and reenacted to read as follows:

§295. Child passenger restraint system

A. Except as provided in Subsections C, D, and E of this Section, every driver in this state who transports a child or children under the age of ~~thirteen~~ **eighteen** years in a motor vehicle ~~which is~~ **that is in motion and is required by federal safety standards to be** equipped with ~~safety belts~~ **a safety belt system or lower anchors and tethers for children in a passenger seating position,** shall have

1 the child properly secured restrained according to the vehicle and child safety
2 seat manufacturer's instructions, as follows:

3 (1) A child younger than six years of age or weighing sixty pounds or less
4 shall be restrained in a child restraint system as provided for in this Subsection that
5 complies with standards of the United States Department of Transportation and is
6 secured in the vehicle in accordance with the instructions of the manufacturer of the
7 child restraint system and the passenger seating position is equipped with a safety
8 belt system that allows sufficient space for installation. The child restraint system
9 required for a child younger than six years of age or weighing sixty pounds or less
10 is, in descending order of protectiveness, as follows:

11 (a) A child who is younger than one year of age or weighs less than twenty
12 pounds the age of two years shall be restrained in a rear-facing child safety seat
13 restraint system that complies with all applicable federal regulations until the
14 child reaches the weight or height limit of the child restraint system as set by the
15 manufacturer.

16 (b)(2) A child who is at least one year of age but younger than four years of
17 age or who weighs at least twenty pounds but less than forty pounds two years of
18 age or older and has reached the rear-facing weight or height limits of the child
19 restraint system as set by the manufacturer, shall be restrained in a forward-
20 facing child safety seat restraint system with an internal harness until the child
21 reaches the weight or height limit of the child restraint system set by the
22 manufacturer.

23 (e)(3) A child who is at least four years of age but younger than six years of
24 age or⁺ who weighs at least forty pounds but not more than sixty pounds and has
25 outgrown the forward-facing weight or height limits of the child restraint
26 system as set by the manufacturer shall be restrained in a belt-positioning child
27 booster seat, secured with a vehicle lap-shoulder seat belt, according to the
28 manufacturer's instructions. The requirements of this Subparagraph shall not apply
29 in any seating position where there is only a lap belt available and the child weighs

- (4) A child at least six years old or weighing more than 60 pounds shall be in a safety belt or booster seat.

Proposed law changes present law to increase the age from under the age of 13 years to under the age of 18 years and requires the child properly to be restrained according to the vehicle and child safety seat manufacturer's instructions as follows:

- (1) A child who is younger than the age of two years shall be restrained in a rear-facing child restraint system that complies with all applicable federal regulations until the child reaches the weight or height limit of the child restraint system as set by the manufacturer.
- (2) A child who is at least two years of age or older and has reached the rear-facing weight or height limits of the child restraint system as set by the manufacturer, shall be restrained in a forward-facing child restraint system with an internal harness until the child reaches the weight or height limit of the child restraint system set by the manufacturer.
- (3) A child who is at least four years of age and has outgrown the forward-facing weight or height limits of the child restraint system as set by the manufacturer shall be restrained in a belt-positioning child booster seat, secured with a vehicle lap-shoulder seat belt, according to the manufacturer's instructions.
- (4) A child who is at least nine years of age or has outgrown the height or weight limits of a child restraint system or belt-positioning child booster seat as set by the manufacturer shall be restrained with the motor vehicle's adult safety belt adjusted and fastened around the child's body to fit correctly. The adult safety belt fits correctly when the child sits all the way back against the vehicle seat, the child's knees bend over the edge of the vehicle seat, the belt fits snugly across the child's thighs and lower hips, and not the child's abdomen, and when the shoulder strap snugly crosses the center of the child's chest and not the child's neck.
- (5) A child who is younger than 13 years of age shall be transported in the rear seat of a motor vehicle, when available, in a properly used child restraint system, belt-positioning child booster seat, or adult safety belt that complies with all applicable federal regulations.
- (6) A child who because of age or weight can be placed in more than one category shall be placed in the more protective category.

Effective August 1, 2019.

(Amends R.S. 32:295(A))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill

Increases the age a child shall be properly restrained according to the vehicle and child safety seat manufacturers' instructions in an age and size appropriate passenger restraint system from under 13 years to under 18 years, as follows:

- (1) A child younger than two years of age shall be in a rear-facing child safety seat.

- (2) A child at least two years of age or older shall be in a front-facing child safety.
- (3) A child at least four of age shall be in a child booster seat.
- (4) A child at least nine years old shall be in an adult safety belt.
- (5) A child younger than 13 years of age shall be restrained in the back seat of the vehicle, when available.
- (6) A child who because of age or weight can be in more than one category shall be placed in the more protective category.