



ARIZONA STATE SENATE
Fiftieth Legislature, Second Regular Session

FACT SHEET FOR H.B. 2154

child restraint systems

Purpose

Requires a driver to restrain a child who meets certain age and height requirements in a child restraint system.

Background

A person must not operate a motor vehicle on the highways in this state when transporting a child who is under five years of age unless that child is properly secured in a child passenger restraint system. If a law enforcement officer stops a vehicle for an apparent violation of this section, the officer shall determine from the driver whether the unrestrained child or children in the vehicle are under five years of age. The child restraint law does not apply to a person who: operates a motor vehicle that was originally manufactured without passenger restraint devices; operates a recreational vehicle; operates a commercial motor vehicle and holds a current commercial driver license; must transport a child in an emergency to obtain necessary medical care; or transports more than one child under five in a motor vehicle that does not provide sufficient area for the required number of child passenger restraint devices if at least one child is restrained and the person has secured as many of the other children in child passenger restraint devices as is reasonable (A.R.S. § 28-907).

All other children, ages 5 to 15, must have seat belts fastened while the vehicle is in motion. The vehicle operator is subject to a maximum civil penalty of \$10 for each seat belt violation, which is retained by the municipality (A.R.S. § 28-909). A person who violates the child restraint law is subject to a civil penalty of \$50; however, the penalty is not imposed if the person shows that the motor vehicle has been subsequently equipped with a child passenger restraint system. Civil penalties are deposited into the Child Passenger Restraint Fund (Fund) and used to purchase restraint devices for the indigent (A.R.S. § 28-907).

This measure may result in a fiscal impact to municipalities because current civil penalties for five to eight year olds who are not restrained are allocated to the municipality. Under H.B. 2154, the civil penalty will be deposited in the Fund. There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires the operator of a motor vehicle that is designed for carrying ten or fewer passengers, manufactured for the model year 1972 and thereafter and required to be equipped with seat belts pursuant to federal regulations to require passengers who meet the following specifications to be restrained in a child restraint system:

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- a) at least five years of age;
 - b) under eight years of age; and
 - c) not more than four feet nine inches tall.
2. Modifies the term *child passenger restraint device* to include *child restraint system*.
 3. Exempts a person who operates an authorized emergency vehicle that is transporting a child for medical care.
 4. Defines *child restraint system* as a booster seat pursuant to federal regulations or an add-on, built-in, factory-installed built-in or rear-facing child restraint system.
 5. Makes technical and conforming changes.
 6. Becomes effective on the general effective date.

House Action

TRANS	1/11/12	DPA	7-0-0-1-0
3rd Read	3/1/12		38-17-4-0-1

Prepared by Senate Research
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