

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4649

03/07/2024

Authored by Sencer-Mura

The bill was read for the first time and referred to the Committee on Transportation Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; modifying child passenger restraint provisions; amending
1.3 Minnesota Statutes 2022, section 169.685, by adding a subdivision; repealing
1.4 Minnesota Statutes 2022, section 169.685, subdivision 5.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2022, section 169.685, is amended by adding a subdivision
1.7 to read:

1.8 Subd. 5a. Child passenger restraint systems. (a) Except as provided in paragraphs (c)
1.9 and (d), every driver in this state who transports a child or children under the age of 18 years
1.10 in a motor vehicle that is in motion and is required by federal safety standards to be equipped
1.11 with a safety belt system or lower anchors and tethers for children in a passenger seating
1.12 position must have the child or children properly restrained according to the vehicle and
1.13 child safety seat manufacturer's instructions as follows:

1.14 (1) a child who is younger than two years of age must be restrained in a rear-facing child
1.15 restraint system that complies with all applicable federal regulations until the child reaches
1.16 the weight or height limit of the child restraint system as established by the manufacturer;

1.17 (2) a child who is at least two years of age or older and has reached the rear-facing weight
1.18 or height limits of the child restraint system as established by the manufacturer must be
1.19 restrained in a forward-facing child restraint system with an internal harness until the child
1.20 reaches the weight or height limit of the child restraint system established by the
1.21 manufacturer;

1.22 (3) a child who is at least four years of age and has reached the forward-facing weight
1.23 or height limits of the child restraint system established by the manufacturer must be

2.1 restrained in a belt-positioning child booster seat and secured with a vehicle lap-shoulder
2.2 seat belt according to the manufacturer's instructions;

2.3 (4) a child who is at least nine years of age or has reached the weight or height limits of
2.4 a child restraint system or belt-positioning child booster seat established by the manufacturer
2.5 must be restrained with the motor vehicle's adult safety belt adjusted and fastened around
2.6 the child's body to fit correctly. The adult safety belt fits correctly when the child sits all
2.7 the way back against the vehicle seat, the child's knees bend over the edge of the vehicle
2.8 seat, the belt fits snugly across the child's thighs and lower hips and not the child's abdomen,
2.9 and the shoulder strap snugly crosses the center of the child's chest and not the child's neck;

2.10 (5) a child who is younger than 13 years of age must be transported in the rear seat of a
2.11 motor vehicle, when available, in a properly used child restraint system, belt-positioning
2.12 child booster seat, or adult safety belt that complies with all applicable federal regulations;
2.13 and

2.14 (6) a child who, because of age or weight, can be placed in more than one category under
2.15 this paragraph must be placed in the more protective category.

2.16 (b) For purposes of this subdivision, the following terms have the meanings given:

2.17 (1) "child booster seat" means a child passenger restraint system that meets the Federal
2.18 Motor Vehicle Safety Standards and is designed to elevate a child to properly sit in a federally
2.19 approved safety belt system;

2.20 (2) "child restraint system" means a lap belt, shoulder harness, or an age- or
2.21 size-appropriate child safety seat as required by this section; and

2.22 (3) "motor vehicle" does not include the following: bicycle; farm tractor; motorcycle or
2.23 motor-driven cycle; truck with a manufacturer-rated carrying capacity of more than 2,000
2.24 pounds; ambulance or other emergency vehicle; school bus; church bus, private bus, or
2.25 recreational vehicle that has a passenger capacity of more than ten persons; or commercial
2.26 truck, van, or taxi.

2.27 (c) When a motor vehicle is equipped with a passenger side air bag supplemental restraint
2.28 system and the air bag system is activated, the driver of a motor vehicle transporting a child
2.29 who is younger than six years of age or weighs less than 60 pounds must transport the child
2.30 in a rear seat, if rear seats are available.

2.31 (d) When the number of children under the age of 13 years in the motor vehicle exceeds
2.32 the number of age- or size-appropriate passenger restraint systems and seat belts available

3.1 in the motor vehicle, the unrestrained children must be seated in a rear seat, if rear seats are
3.2 available.

3.3 Sec. 2. **REPEALER.**

3.4 Minnesota Statutes 2022, section 169.685, subdivision 5, is repealed.

169.685 SEAT BELT; PASSENGER RESTRAINT SYSTEM FOR CHILDREN.

Subd. 5. **Violation; petty misdemeanor.** (a) Every motor vehicle operator, when transporting a child who is both under the age of eight and shorter than four feet nine inches on the streets and highways of this state in a motor vehicle equipped with factory-installed seat belts, shall equip and install for use in the motor vehicle, according to the manufacturer's instructions, a child passenger restraint system meeting federal motor vehicle safety standards.

(b) No motor vehicle operator who is operating a motor vehicle on the streets and highways of this state may transport a child who is both under the age of eight and shorter than four feet nine inches in a seat of a motor vehicle equipped with a factory-installed seat belt, unless the child is properly fastened in the child passenger restraint system. Any motor vehicle operator who violates this subdivision is guilty of a petty misdemeanor and may be sentenced to pay a fine of not more than \$50. The fine may be waived or the amount reduced if the motor vehicle operator produces evidence that within 14 days after the date of the violation a child passenger restraint system meeting federal motor vehicle safety standards was purchased or obtained for the exclusive use of the operator.

(c) At the time of issuance of a citation under this subdivision, a peace officer may provide to the violator information on obtaining a free or low-cost child passenger restraint system.

(d) The fines collected for violations of this subdivision must be deposited in the state treasury and credited to a special account to be known as the Minnesota child passenger restraint and education account.

(e) For the purposes of this section, "child passenger restraint system" means any device that meets the standards of the United States Department of Transportation; is designed to restrain, seat, or position children; and includes a booster seat.