

1 SB186  
2 156521-3  
3 By Senators Coleman, Fielding, Singleton, Dunn, Sanders,  
4 Irons, Ward, Reed, Blackwell and Figures  
5 RFD: Commerce, Transportation, and Utilities  
6 First Read: 15-JAN-14

1 SB186

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4 ENROLLED, An Act,

5 To amend Section 32-5-222, Code of Alabama 1975,  
6 relating to the distribution of fines for violation of the  
7 child safety restraint law for vouchers for child passenger  
8 restraint systems for low-income families; to provide for the  
9 distribution and the administration of the program by the  
10 Department of Public Health and to delete certain provisions  
11 relating to audit.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 32-5-222, Code of Alabama 1975,  
14 is amended to read as follows:

15 "§32-5-222.

16 "(a) Every person transporting a child in a motor  
17 vehicle operated on the roadways, streets, or highways of this  
18 state, shall provide for the protection of the child by  
19 properly using an aftermarket or integrated child passenger  
20 restraint system meeting applicable federal motor vehicle  
21 safety standards and the requirements of subsection (b). This  
22 section shall not be interpreted to release in part or in  
23 whole the responsibility of an automobile manufacturer to  
24 insure the safety of children to a level at least equivalent  
25 to existing federal safety standards for adults. In no event

1 shall failure to wear a child passenger restraint system be  
2 considered as contributory negligence. The term "motor  
3 vehicle" as used in this section shall include a passenger  
4 car, pickup truck, van (seating capacity of 10 or less),  
5 minivan, or sports utility vehicle.

6 "(b) The size appropriate restraint system required  
7 for a child in subsection (a) must meet the requirements of  
8 Section 32-5B-4 and shall include all of the following:

9 "(1) Infant only seats and convertible seats used in  
10 the rear facing position for infants until at least one year  
11 of age or 20 pounds.

12 "(2) Convertible seats in the forward position or  
13 forward facing seats until the child is at least five years of  
14 age or 40 pounds.

15 "(3) Booster seats until the child is six years of  
16 age.

17 "(4) Seat belts until 15 years of age.

18 "(c) No provision of this section shall be construed  
19 as creating any duty, standard of care, right, or liability  
20 between parent and child that is not recognized under the laws  
21 of the State of Alabama as they presently exist, or may, at  
22 any time in the future, be constituted by statute or decision.

23 "(d) Any person violating the provisions of this  
24 section may be fined twenty-five dollars (\$25) for each  
25 offense. The charges may be dismissed by the trial judge

1 hearing the case and no court costs shall be assessed upon  
2 proof of acquisition of an appropriate child passenger  
3 restraint.

4 "(e) Fifteen dollars (\$15) of a fine imposed under  
5 subsection (d) shall be used to distribute vouchers for size  
6 appropriate child passenger restraint systems to families of  
7 limited income in the state The fifteen dollars (\$15) shall be  
8 deposited in the State Treasury to be distributed by the state  
9 Comptroller to the ~~Alabama Head Injury Foundation~~ Department  
10 of Public Health, which shall administer the program free of  
11 charge. ~~The Department of Examiners of Public Accounts shall~~  
12 ~~annually audit, review, and otherwise investigate the receipts~~  
13 ~~and disbursements of these funds by the foundation in the same~~  
14 ~~manner and to the same extent as the department performs~~  
15 ~~examinations and audits of agencies and departments of the~~  
16 ~~State of Alabama.~~

17 "(f) The provisions of this section notwithstanding,  
18 nothing contained herein shall be deemed a violation of any  
19 law which would otherwise nullify or change in any way the  
20 provisions or coverage of any insurance contract.

21 "(g) For the purpose of identifying habitually  
22 negligent drivers and habitual or frequent violators, the  
23 Department of Public Safety shall assess the following points:

24 "(1) Violation of child safety restraint  
25 requirements, first offense .....1 point.

1           "(2) Violation of child safety restraint  
2 requirements, second or subsequent offense .....2  
3 points.

4           "(h) Every person transporting a child shall be  
5 responsible for assuring that each child is properly  
6 restrained pursuant to this section. The provisions shall not  
7 apply to taxis and all motor vehicles with a seating capacity  
8 of 11 or more passengers.

9           "(i) Each state, county, and municipal police  
10 department shall maintain statistical information on traffic  
11 stops of minorities pursuant to this section, and shall report  
12 that information monthly to the Department of Public Safety  
13 and the Office of the Attorney General."

14           Section 2. This act shall become effective on the  
15 first day of the third month following its passage and  
16 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB186

Senate 06-FEB-14

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris  
Secretary

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House of Representatives  
Passed: 01-APR-14

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By: Senator Coleman