

HB265 ENGROSSED



1 HB265
2 PD9CGER-2
3 By Representative Bolton
4 RFD: Public Safety and Homeland Security
5 First Read: 29-Feb-24



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A BILL
TO BE ENTITLED
AN ACT

Relating to motor vehicles; to amend Section 32-5-222, Code of Alabama 1975, to further provide for the requirement to use child passenger restraint systems and seatbelts; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§32-5-222

(a) Every person transporting a child in a motor vehicle operated on the roadways, streets, or highways of this state shall provide for the protection of the child by properly using an aftermarket or integrated child passenger restraint system meeting applicable federal motor vehicle safety standards and the requirements of subsection (b). This section shall not be interpreted to release in part or in whole the responsibility of an automobile manufacturer to



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29 ~~insure~~ensure the safety of children to a level at least
30 equivalent to existing federal safety standards for adults. In
31 no event shall failure to wear a child passenger restraint
32 system be considered as contributory negligence. The term
33 "motor vehicle" as used in this section shall include a
34 passenger car, pickup truck, van (seating capacity of 10 or
35 less), minivan, or sports utility vehicle.

36 (b) The size appropriate restraint system required for
37 a child in subsection (a) ~~must meet the requirements of~~
38 ~~Section 32-5B-4 and~~ shall include all of the following:

39 (1) Infant only seats and convertible seats ~~used~~ in the
40 rear facing position ~~for infants~~ until the child is at least
41 ~~one year~~two years of age or ~~20 pounds~~35 pounds in weight. In
42 the event that a child less than two years of age weighs more
43 than the recommended weight rating for the infant seat, but
44 less than 35 pounds, a convertible seat must be used.

45 (2) Convertible seats in the forward position or
46 forward facing seats until the child is at least five years of
47 age or ~~40 pounds~~65 pounds in weight.

48 (3) ~~Booster~~Belt positioning booster seats until the
49 child is at least six years of age and can satisfy all of the
50 following conditions:

51 a. The child is able to sit all the way back against
52 the vehicle seat.

53 b. The child's knees bend comfortably at the edge of
54 the seat.

55 c. The seatbelt crosses the child's shoulder between
56 the neck and arm.



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57 d. The lap belt is able to lay flat across the child's
58 upper thighs.

59 e. The child is able to stay seated as described in
60 this subdivision for the entire trip.

61 (4) Seat belts ~~until 15 years of age~~ for every other
62 individual, except as provided under Section 32-5B-4(b).

63 (c) In addition to the requirements of subsection (a)
64 and (b), it is recommended that no child under 13 years of age
65 ride in the front seat of a motor vehicle, and further
66 recommended that the child should ride in the second or third
67 row of the motor vehicle, unless either of the following
68 circumstances exist:

69 (1) The motor vehicle does not have a second row of
70 seats.

71 (2) Circumstances require the child to use the front
72 seat, including when all otherwise available second or third
73 row seats are full or are equipped with a child passenger
74 restraint system not applicable to the child.

75 ~~(c) (d) No provision of this~~ This section shall not be
76 construed ~~as creating~~ to create any duty, standard of care,
77 right, or liability between parent and child that is not
78 recognized under the laws of the State of Alabama ~~as they~~
79 ~~presently exist, or may, at any time in the future, be~~
80 ~~constituted by statute or decision.~~

81 ~~(d) (e)~~ Any person violating ~~the provisions of~~ this
82 section shall be required to attend a court hearing on the
83 violation, which may not be waived.

84 (f) (1) a. On a first violation, the person may be fined



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85 twenty-five dollars (\$25) ~~for each offense~~.

86 b. On a second violation within a five-year period, the
87 person shall be fined fifty dollars (\$50).

88 c. On a third violation within a five-year period, the
89 person shall be fined one hundred dollars (\$100).

90 d. On a four or subsequent violation within a five-year
91 period, the person shall be fined one hundred fifty dollars
92 (\$150).

93 (2) ~~The charges~~ Upon a first violation only, the charge
94 may be dismissed by the trial judge hearing the case and no
95 court costs shall be assessed upon proof of acquisition of an
96 appropriate child passenger restraint.

97 ~~(e)~~ (g) Fifteen dollars (\$15) of a fine imposed under
98 subsection ~~(d)~~ (e) shall be used to distribute vouchers for
99 size appropriate child passenger restraint systems to families
100 of limited income in the state. The fifteen dollars (\$15)
101 shall be deposited in the State Treasury to be distributed by
102 the state Comptroller to the Department of Public Health,
103 which shall administer the program free of charge.

104 ~~(f)~~ (h) The provisions of this section notwithstanding,
105 nothing contained ~~herein~~ in this section shall be deemed a
106 violation of any law ~~which~~ that would otherwise nullify or
107 change ~~in any way~~ the provisions or coverage of any insurance
108 contract.

109 ~~(g)~~ (i) For the purpose of identifying habitually
110 negligent drivers and habitual or frequent violators, the
111 Department of Public Safety shall assess the following points:

112 (1) Violation of child safety restraint requirements,



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113 first offense1 point.

114 (2) Violation of child safety restraint requirements,
115 second or subsequent offense2 points.

116 ~~(h)~~ (j) Every person transporting a child shall be
117 responsible for ~~assuring~~ ensuring that each child is properly
118 restrained pursuant to this section. ~~The provisions~~
119 ~~shall~~; provided, this subsection does not apply to taxis ~~and~~
120 ~~all~~ or motor vehicles with a seating capacity of 11 or more
121 passengers.

122 ~~(i)~~ (k) Each state, county, and municipal police
123 department shall maintain statistical information on traffic
124 stops of minorities pursuant to this section, and shall report
125 that information monthly to the Department of Public Safety
126 and the Office of the Attorney General."

127 Section 2. Although this bill would have as its purpose
128 or effect the requirement of a new or increased expenditure of
129 local funds, the bill is excluded from further requirements
130 and application under Section 111.05 of the Constitution of
131 Alabama of 2022, because the bill defines a new crime or
132 amends the definition of an existing crime.

133 Section 3. This act shall become effective on October
134 1, 2024.



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House of Representatives

138 Read for the first time and referred29-Feb-24
139 to the House of Representatives
140 committee on Public Safety and
141 Homeland Security
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143 Read for the second time and placed06-Mar-24
144 on the calendar:
145 1 amendment
146
147 Read for the third time and passed19-Mar-24
148 as amended
149 Yeas 100
150 Nays 0
151 Abstains 0
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John Treadwell
Clerk