

HB32 INTRODUCED



1 HB32
2 L5QFCAW-1
3 By Representative Bolton
4 RFD: Public Safety and Homeland Security
5 First Read: 13-Jan-26
6 PFD: 14-Aug-25



SYNOPSIS:

Under existing law, children are required to use child passenger restraint systems based on their age and weight. Specifically, children are required to use rear-facing car seats until at least one year of age or 20 pounds; forward-facing convertible seats until at least five years of age or 40 pounds; and booster seats until at least six years of age.

This bill would revise the weight and age ranges for determining the appropriate child passenger restraint system and would increase penalties associated with a violation.

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 to further provide for the penalties for a violation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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



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

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

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

(2) Convertible seats in the forward position or



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~~forward-facing~~forward-facing seats until the child is at least five years of age or ~~40 pounds~~65 pounds in weight.

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

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

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

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

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

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

(4) Seat belts until 15 years of age.

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

(d) (1) Any person violating ~~the provisions of~~ this section shall be punished as follows:

a. On a first violation, the person may be fined twenty-five dollars (\$25)~~for each offense~~.

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



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

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

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

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

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

(g) For the purpose of identifying habitually negligent drivers and habitual or frequent violators, the ~~Department of Public Safety~~ Secretary of the Alabama State Law Enforcement Agency shall assess the following points:

(1) Violation of child safety restraint requirements, first offense1 point.



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

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

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

127 Section 2. This act shall become effective on October
128 1, 2026.