

HOUSE BILL NO. 586

INTRODUCED BY M. LEE, J. REAVIS, B. EDWARDS, J. ISALY, P. STRAND, T. CROWE, J. SECKINGER, B. CLOSE, P. ELVERUM, S. FYANT, J. WEBER, J. SOOKTIS, A. GRIFFITH, M. CUNNINGHAM, E. TILLEMANN, E. MATTHEWS, T. RUNNING WOLF, F. SMITH, M. FOX, K. ZOLNIKOV, D. BAUM, M. CAFERRO, B. CARTER, J. COHENOUR, N. DURAM, D. HAWK, S. HOWELL, J. KARLEN, C. KEOGH, M. ROMANO, E. STAFMAN, K. SULLIVAN, Z. ZEPHYR, M. MARLER, S. DEMAROIS, D. JOY, C. FITZPATRICK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CHILD SAFETY RESTRAINT SYSTEM LAWS; REQUIRING THE USE OF A CHILD SAFETY RESTRAINT SYSTEM FOR CHILDREN UNDER CERTAIN AGE THRESHOLDS 6 YEARS OF AGE; PROVIDING EXEMPTIONS FOR CERTAIN VEHICLES AND CIRCUMSTANCES FROM CHILD SAFETY RESTRAINT SYSTEM LAWS; PROVIDING DEFINITIONS; AND AMENDING SECTIONS 61-9-419, 61-9-420, AND 61-9-421, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-9-419, MCA, is amended to read:

"61-9-419. ~~"Properly restrained"~~ defined Definitions. (1) As used in 61-9-420 through 61-9-423 and this section, unless the context requires otherwise, the following definitions apply:

(a) "Booster seat" means a child safety restraint system that meets applicable federal motor vehicle safety standards and is designed to provide belt-positioning that elevates a child to be properly seated with a safety belt.

(b) "Child safety restraint system" means a device that:

(i) meets applicable federal motor vehicle safety standards; and

(ii) is appropriate to the age of the child being restrained, as provided in 61-9-420.

(c) ~~(i) "properly restrained"~~ "Properly restrained" means fastened in a manner prescribed by the manufacturer of the child safety restraint system that permits the child safety restraint system to act as a body restraint, ~~but.~~

(ii) The term does not mean a system in which the only body restraint is a safety belt of the type

1 required by 61-9-409.

2 (d) "Secured with a safety belt" means restrained or secured by a seat belt that:

3 (i) meets applicable federal motor vehicle safety standards; and

4 (ii) is properly adjusted and fastened WITH THE LAP STRAP ACROSS THE HIPS AND THE SHOULDER
5 STRAP ACROSS THE CHEST, ~~including both the shoulder and lap straps,~~ when equipped in the vehicle."
6

7 **Section 2.** Section 61-9-420, MCA, is amended to read:

8 **"61-9-420. Child safety restraint systems -- standards -- exemptions.** (1) EACH MOTOR VEHICLE
9 PASSENGER WHO IS UNDER 6 YEARS OF AGE AND WEIGHS LESS THAN 60 POUNDS MUST BE TRANSPORTED AND
10 PROPERLY RESTRAINED IN A CHILD SAFETY RESTRAINT SYSTEM. THE CHILD SAFETY RESTRAINT SYSTEM MUST BE
11 APPROPRIATE FOR THE HEIGHT AND WEIGHT OF THE CHILD, AS INDICATED BY MANUFACTURER STANDARDS, AND COMPLY
12 WITH FEDERAL MOTOR VEHICLE SAFETY STANDARDS.~~Each motor vehicle passenger who is under 6 years of age~~
13 ~~and weighs less than 60 pounds must be transported and properly restrained in a child safety restraint. The~~
14 ~~child safety restraint must be appropriate for the height and weight of the child as indicated by manufacturer~~
15 ~~standards. A motor vehicle passenger who is under 2 years of age must be properly restrained in a rear-facing~~
16 ~~child safety restraint system that complies with federal motor vehicle safety standards.~~

17 ~~(2) A motor vehicle passenger who is between 2 years of age and up to 4 years of age must be~~
18 ~~properly restrained in a rear-facing or forward-facing child safety restraint system with an internal harness that~~
19 ~~complies with federal motor vehicle safety standards.~~

20 ~~(3) A motor vehicle passenger who is between 4 years of age and up to 8 years of age must be~~
21 ~~properly restrained in a forward-facing child safety restraint system with an internal harness or a child booster~~
22 ~~seat that is secured with a vehicle lap-shoulder seat belt, whichever is applicable, that complies with federal~~
23 ~~motor vehicle safety standards.~~

24 ~~(4) A motor vehicle passenger who is at least 9 years of age or has outgrown the height or weight~~
25 ~~limits of a child booster seat as set by the manufacturer, whichever comes first, must be secured with a motor~~
26 ~~vehicle adult safety belt.~~

27 ~~(5)(2) A child safety restraint system pursuant to 61-9-419 through 61-9-423 must be installed,~~
28 ~~adjusted, and used according to the manufacturer instructions.~~

(2) — The department shall by rule establish standards in compliance with 61-9-419 through 61-9-423 and applicable federal standards for approved types of child safety restraint systems.

(3)(6)(3) The department may by rule exempt from the requirements of subsection (1) this section a child who because of a physical or medical condition or body size cannot be placed in a child safety restraint system."

Section 3. Section 61-9-421, MCA, is amended to read:

"61-9-421. Certain vehicles exempt. Section 61-9-420 is not applicable to a vehicle that as follows:

(1) if a vehicle is a motorbus MOTOR HOME, schoolbus SCHOOL BUS, taxicab, farm tractor, bicycle, moped, quadricycle, or motorcycle, or motor-driven cycle or is not required to be equipped with safety belts under 49 CFR 571 as it reads on January 1, 1984 January 3, 2025;

(2) if a vehicle is an ambulance or other emergency vehicle designated or authorized by the department; or

(2) — has a seating capacity as designated by the manufacturer of two persons and there are two persons 4 years of age or older in the vehicle.

(3) — if an emergency exists that threatens the life of a person operating a motor vehicle to whom this section would otherwise apply or the life of a child who would otherwise be required to be properly restrained as provided in 61-9-420."

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