

1 HB290  
2 156521-1  
3 By Representative Melton  
4 RFD: Public Safety and Homeland Security  
5 First Read: 16-JAN-14

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8 SYNOPSIS: Under existing law, every person  
9 transporting a child in a motor vehicle operated on  
10 the roadways, streets, or highways of this state  
11 must use an aftermarket or integrated child  
12 passenger restraint system meeting applicable  
13 federal motor vehicle safety standards and certain  
14 requirements under state law. A person who violates  
15 this provision may be fined \$25 for each offense.  
16 Fifteen dollars of a fine imposed for violation of  
17 this provision is used to distribute vouchers for  
18 size appropriate child passenger restraint systems  
19 to limited income families in the state. The  
20 Alabama Head Injury Foundation administers this  
21 program.

22 This bill would provide that the program  
23 would be administered by the Department of Public  
24 Health and would delete certain provisions relating  
25 to audit by the Department of Examiners of Public  
26 Accounts which are no longer needed because the  
27 Department of Public Health is already audited.

1  
2 A BILL  
3 TO BE ENTITLED  
4 AN ACT  
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6 To amend Section 32-5-222, Code of Alabama 1975,  
7 relating to the distribution of fines for violation of the  
8 child safety restraint law for vouchers for child passenger  
9 restraint systems for low-income families; to provide for the  
10 distribution and the administration of the program by the  
11 Department of Public Health and to delete certain provisions  
12 relating to audit.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

16 "§32-5-222.

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

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

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

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

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

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

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

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

22 "(d) Any person violating the provisions of this  
23 section may be fined twenty-five dollars (\$25) for each  
24 offense. The charges may be dismissed by the trial judge  
25 hearing the case and no court costs shall be assessed upon  
26 proof of acquisition of an appropriate child passenger  
27 restraint.

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

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

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

21           "(1) Violation of child safety restraint  
22 requirements, first offense .....1 point.

23           "(2) Violation of child safety restraint  
24 requirements, second or subsequent offense .....2  
25 points.

26           "(h) Every person transporting a child shall be  
27 responsible for assuring that each child is properly

1 restrained pursuant to this section. The provisions shall not  
2 apply to taxis and all motor vehicles with a seating capacity  
3 of 11 or more passengers.

4 "(i) Each state, county, and municipal police  
5 department shall maintain statistical information on traffic  
6 stops of minorities pursuant to this section, and shall report  
7 that information monthly to the Department of Public Safety  
8 and the Office of the Attorney General."

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