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State of Minnesota HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **267**

January 26, 2009

Authored by Hortman, Cornish, Hornstein, Lieder, Morrow and others

The bill was read for the first time and referred to the Transportation and Transit Policy and Oversight Division

February 16, 2009

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Public Safety Policy and Oversight

February 26, 2009

Committee Recommendation and Adoption of Report:

To Pass and re-referred to the Committee on Finance

1.1 A bill for an act
1.2 relating to traffic regulations; requiring restraint of child under age eight and
1.3 shorter than four feet nine inches while passenger in motor vehicle and modifying
1.4 seat belt requirements accordingly; amending Minnesota Statutes 2008, sections
1.5 169.685, subdivision 5; 169.686, subdivision 1.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2008, section 169.685, subdivision 5, is amended to read:

1.8 Subd. 5. **Violation; petty misdemeanor.** (a) Every motor vehicle operator, when
1.9 transporting a child who is both under the age of ~~four~~ eight and shorter than four feet
1.10 nine inches on the streets and highways of this state in a motor vehicle equipped with
1.11 factory-installed seat belts, shall equip and install for use in the motor vehicle, according
1.12 to the manufacturer's instructions, a child passenger restraint system meeting federal
1.13 motor vehicle safety standards.

1.14 (b) No motor vehicle operator who is operating a motor vehicle on the streets and
1.15 highways of this state may transport a child who is both under the age of ~~four~~ eight
1.16 and shorter than four feet nine inches in a seat of a motor vehicle equipped with a
1.17 factory-installed seat belt, unless the child is properly fastened in the child passenger
1.18 restraint system. Any motor vehicle operator who violates this subdivision is guilty of
1.19 a petty misdemeanor and may be sentenced to pay a fine of not more than \$50. The
1.20 fine ~~may~~ must be waived ~~or the amount reduced~~ if the motor vehicle operator produces
1.21 evidence that within 14 days after the date of the violation a child passenger restraint
1.22 system meeting federal motor vehicle safety standards was purchased or obtained for
1.23 the exclusive use of the operator.

(c) The fines collected for violations of this subdivision must be deposited in the state treasury and credited to a special account to be known as the Minnesota child passenger restraint and education account.

EFFECTIVE DATE. This section is effective July 1, 2009, for offenses committed on or after that date.

Sec. 2. Minnesota Statutes 2008, section 169.686, subdivision 1, is amended to read:

Subdivision 1. **Seat belt requirement.** (a) A properly adjusted and fastened seat belt, including both the shoulder and lap belt when the vehicle is so equipped, shall be worn by:

(1) the driver of a passenger vehicle or commercial motor vehicle;

(2) a passenger riding in the front seat of a passenger vehicle or commercial motor vehicle; and

(3) a passenger riding in any seat of a passenger vehicle who (i) is not required to be transported in a child passenger restraint system under section 169.685, subdivision 5, and (ii) is older than three but younger than 11 years of age.

(b) A person who is 15 years of age or older and who violates paragraph (a), clause (1) or (2), is subject to a fine of \$25. The driver of the passenger vehicle or commercial motor vehicle in which the violation occurred is subject to a \$25 fine for a violation of paragraph (a), clause (2) or (3), by a child of the driver under the age of 15 or any child under the age of 11. A peace officer may not issue a citation for a violation of this section unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation other than a violation involving motor vehicle equipment. The Department of Public Safety shall not record a violation of this subdivision on a person's driving record.

EFFECTIVE DATE. This section is effective July 1, 2009, and applies to offenses committed on or after that date.