AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the Child Restraint Act of 1982 to require that any child from birth to 16 years of age be in a properly installed child safety restraint system, to require automobile rental companies to inform customers of child restraint requirements, that any fines in excess of $55 be directed to a Child Passenger Safety Fund to be used to establish at least one fitting station in each ward of the city at facilities of the District of Columbia Fire and Emergency Medical Services Department, Metropolitan Police Department, Department of Motor Vehicles or Department of Transportation; that personnel of these stations receive training on the proper installation of a child safety restraint system and to provide offenders with a child passenger safety class; to establish a Child Passenger Safety Fund to provide free or discounted child restraint systems to low income persons; and to increase the fine for violating child restraint laws and to provide that first time offenders be given a choice of paying a fine or attending a child restraint safety class for a fee, that repeat offenders pay escalating fines up to $150,

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child Restraint Amendment Act of 2002".

Sec. 2. The Child Restraint Act of 1982, effective March 10, 1983 (D.C. Law 4-194; D.C. Official Code § 50-1701 *et seq*.), is amended as follows:

    (a) Section 4 (D.C. Official Code § 50-1703) is amended as follows:

Amend § 50-1703

        (1) Subsection (b) is amended to read as follows:

"(b) The operator of a motor vehicle shall not transport any child under 16 years of age unless the child is properly restrained in an approved child safety restraint system or restrained in a seat belt. Children under 8 years of age shall be properly seated in an installed infant, convertible (toddler) or booster child safety seat, according to the manufacturer's instructions. A booster seat shall only be used with both a lap and shoulder belt.".

        (2) A New subsection (d) is added to read as follows:

"(d) Automobile rental companies shall be required to inform each customer of the provisions of this act and provide educational materials to the customer. The educational materials shall be provided by the Department of Transportation.".

(b) New sections 4a and 4b are added to read as follows:

"Sec. 4a. Child Passenger Safety Program.

"Any fines in excess of $55 shall be directed to fund the Child Passenger Safety Program which will be used:

"(1) To assure that at least one fitting station is located in each ward of the city at the facilities of the District of Columbia Fire and Emergency Medical Services Department ("DCFEMS"), Metropolitan Police Department ("MPD") precincts, Department of Motor Vehicle ("DMV") Inspection Stations or facilities of the Department of Transportation ("DOT");

"(2) That personnel of the DCFEMS, MPD, DMV and DOT receive training on the proper installation of a child restraint system;

"(3) To provide offenders with a child passenger safety class administered by DOT; and

"(4) To provide children of all ages who are from low income families with child restraint systems free or at a minimal cost.

"Sec. 4b. Child Passenger Safety Fund.

"There is established as a special account, the Child Passenger Safety Fund to receive funds identified in section 4a. The Child Passenger Safety Fund shall be a dedicated revenue account to be used for the purpose of funding the child passenger safety class, the provision of child restraint systems free or at a minimal cost to low income families, and to establish fitting stations in each ward of the city.".

(c) A new section 5a is added to read as follows:

"Sec. 5a. Administration.

"The Department of Transportation shall continue to serve as the lead agency in the administration of the Child Passenger Safety Fund and in coordinating the child safety seat program with the DCFEMS, MPD and DMV.".

(d) Section 6 (D.C. Official Code § 50-1705) is amended as follows:

(1) The existing text is designated as subsection (a).

(2) A new subsection (b) is added to read as follows:

"(b) This act shall apply to any motor vehicle that is used for personal use.".

(e) Section 7(a) (D.C. Official Code § 50-1706(a)) is amended to read as follows:

"(a)(1) First time offenders of this act shall be given a choice of paying a $75 fine or attending a child restraint safety class, for which they will be charged $25. For the second offense, offenders shall be required to attend a child safety class, for which they will be charged $25 and pay a $75 fine. For the third offense, offenders shall be fined $125. For the fourth, and each subsequent offense, offenders shall receive a $150 fine.

"(2) Violations shall be processed and adjudicated under the provisions applicable to parking, standing, stopping, and pedestrian infractions which are set forth in Title III of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301 *et seq*.).".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 831; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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Chairman
Council of the District of Columbia

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Mayor
District of Columbia