

COUNCIL OF THE DISTRICT OF COLUMBIA

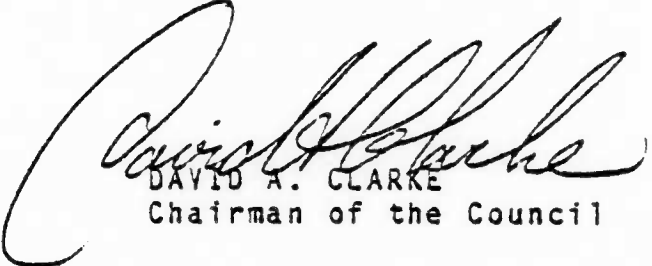
NOTICE

D.C. LAW 4-194

"Child Restraint Act of 1982".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 4-434 on first and second readings, November 16, 1982, and December 14, 1982, respectively. Following the signature of the Mayor on December 28, 1982, this legislation was assigned Act No. 4-278, published in the January 7, 1983, edition of the D.C. Register, (Vol. 30 page 49) and transmitted to Congress on January 7, 1983 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 4-194, effective March 10, 1983.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	25,26,27,28,31
February	1,2,3,4,7,8,9,10,11,14,15,16,17,22,23,24,25,28
March	1,2,3,4,7,8,9

D.C. LAW 4-194
EFFECTIVE DATE MAR 10 1983

AN ACT

D.C. ACT 4-278

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DEC 28 1982

To require the use of child restraint seats for children of less than 3 years of age who are passengers in a motor vehicle; to require the use of child restraint seats or safety belts for children of more than 3 years of age and less than 6 years of age who are passengers in a motor vehicle; and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Child Restraint Act of 1982".

Sec. 2. The Council of the District of Columbia finds

that:

(a)(1) Nationally, motor vehicle accidents are the leading cause of death of children of less than 6 years of age;

(2) In 1981, over 600 children of less than 6 years of age were reported injured in motor vehicle accidents in the District of Columbia, reflecting an increase of 16% over reported injuries in 1980 and 40% over reported injuries in 1979;

(3) Young children, due to their small size and early skeletal development, are at a much greater risk of serious bodily injury in motor vehicle accidents than are adults;

(4) Proper use of child restraint seats and safety belts has been estimated to reduce by as much as 90% and

CODIFICATION
D.C. Code,
title 40,
new chapter 12

New
D.C. Code,
sec. 40-1201
(1981 ed.)

67%, respectively, the fatalities and injuries to children resulting from motor vehicle accidents;

(5) Reducing fatalities and injuries to children from motor vehicle accidents through the proper use of child restraint seats and safety belts would result in a significant reduction of the social and economic burdens which these accidents place upon families, insurers, and the public generally;

(6) Project Safe-Child is a cooperative program conducted by the Office of Child Health Advocacy at Children's Hospital National Medical Center and the Transportation Safety Division of the Office of Policy and Program Development in the District of Columbia Department of Transportation which includes a child restraint loaner program for the distribution of child restraints to residents of the District of Columbia; and

(7) Project Safe-Child's public information program and child restraint loaner programs, upon being expanded through greater allocation of federal grant funds from the National Highway Traffic Safety Administration, can assist the public in complying with this act.

(b) It is the purpose of this act to require that children of less than 6 years of age be protected by being properly restrained in a child restraint seat or safety belt when riding in a motor vehicle.

Sec. 3. Definitions

As used in this act the term:

- (1) "Child restraint seat" means any motor

New
D.C. Code,
sec. 40-1202
(1981 ed.)

vehicle restraint system which has been designed to protect children and has been approved pursuant to section 5.

(2) "Operator" means a person who drives or is in actual physical control of a vehicle.

(3) "Properly restrained", when used in reference to the use of a safety belt, means secured with the lap portion of a safety belt which is provided in a motor vehicle; and when used in reference to the use of a child restraint seat, means secured in a child restraint seat which itself has been fastened to the motor vehicle by a safety belt and in which all securing straps are being used.

(4) "Transport" means to have a child of less than 6 years of age as a passenger in a motor vehicle while the operator is seated in the driver position and the motor vehicle is either parked or in motion.

(5) "Motor vehicle" means any device with more than 3 wheels and a seating capacity of 8 or fewer passengers, exclusive of the operator, which is propelled by an internal combustion engine, electricity, or steam, and which is designed, used, or maintained for passenger or recreational purposes, or which is designed, used, or maintained for transporting freight, merchandise, or other commercial loads or property.

The term "motor vehicle" does not include any device which is used for livery, sightseeing, taxi, ambulance, funeral, or farm purposes; or any device with more than 3 wheels which is propelled by an internal combustion engine, electricity, or steam and which has a seating capacity of

more than 8 passengers, exclusive of the operator.

Sec. 4. (a) The operator of a motor vehicle may not transport any child of less than 3 years of age unless the child is properly restrained in a child restraint seat.

New
D.C.Code,
sec. 40-1203
(1981 ed.)

(b) The operator of a motor vehicle may not transport any child between 3 years of age and 6 years of age unless the child is properly restrained in a child restraint seat or safety belt.

(c) A parent or legal guardian may transport his or her child without restraint as required herein if that person is transporting a number of his or her own children of less than 6 years of age which exceeds the number of passenger positions equipped with safety belts in the motor vehicle.

Sec. 5. Child restraint seats shall conform to all applicable federal motor vehicle safety standards established pursuant to section 103 of Title I of the National Traffic and Motor Vehicle Safety Act of 1966, approved September 9, 1966 (80 Stat. 719; 15 U.S.C. 1392).

New
D.C.Code,
sec. 40-1204
(1981 ed.)

Sec. 6. This act shall apply to residents of the District of Columbia, and to any other person operating a motor vehicle which is required to be registered in the District of Columbia, or which is required to have a reciprocity sticker, pursuant to the District of Columbia Motor Vehicle Registration Act of 1982, effective March 16, 1982 (D.C. Law 4-80; D.C. Code, sec. 40-303).

New
D.C.Code,
sec. 40-1205
(1981 ed.)

Sec. 7. (a) Any individual who violates any provision of this act shall be subject to a fine of \$25, and the

New
D.C.Code,
sec. 40-1206
(1981 ed.)

violation 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. Code, sec. 40-621 et seq.).

(b) The fine for the first violation of section 4(a) by any operator shall be waived upon presentation of proof by the operator that an approved child restraint seat has been acquired subsequent to the violation by the operator or by the parent or legal guardian of the child who was transported without being properly restrained.

(c) The Director of the Department of Transportation shall not assign any points under the provisions of 18 DCMR to the driver record of any person convicted of a violation of this act.

Sec. 8. Neither a violation of this act nor compliance herewith shall constitute any evidence of negligence or contributory negligence, nor shall either a violation or compliance provide any basis for a civil action for damages.

New
D.C. Code,
sec. 40-1207
(1981 ed.)

Sec. 9. The Mayor of the District of Columbia may issue rules to implement this act and shall ensure that a program of public information is undertaken prior to the effective date established in section 10(b).

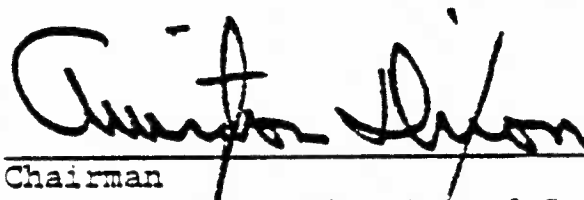
New
D.C. Code,
sec. 40-1208
(1981 ed.)

Sec. 10. (a) Except as provided in subsection (b), this act shall take effect after a 30-day period of Congressional review, following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of

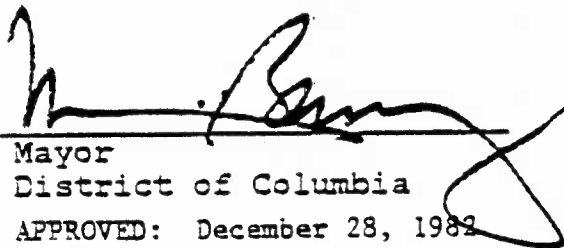
Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)).

(b) Sections 3 through 8 shall take effect July 1, 1983.

New
D.C. Code,
sec. 40-120
(1981 ed.)



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED: December 28, 1982



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Four

Second Session

DOCKET NO: B 4-434

[X] Item on Consent Calendar

ACTION: Adopted First Reading, 11-16-82

[X] VOICE VOTE: Unanimous

Absent: Shackleton

[] ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHM. DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

William B. Curran 12/16/82
Secretary to the Council Date

[X] Item on Consent Calendar

ACTION: Adopted Final Reading, 12-14-82

[X] VOICE VOTE: Unanimous

Absent: Wilson

[] ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHM. DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

William B. Curran 12/16/82
Secretary to the Council Date

[] Item on Consent Calendar

ACTION:

[] VOICE VOTE:

Absent:

[] ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHM. DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

Secretary to the Council

Date