

*** * * Child Restraint Systems * * ***

23 V.S.A. § 1258 is amended to read:

CHILD RESTRAINT SYSTEMS; INDIVIDUALS UNDER 18 YEARS OF AGE

(a) No individual shall operate a motor vehicle, other than a type I school bus, in this State upon a public highway unless every occupant under 18 years of age is properly restrained in a federally approved child restraint system as defined in 49 C.F.R. § 571.213, as may be amended, or a federally approved safety belt, as follows:

(1) a child under two years of age shall be properly secured in a federally approved rear-facing child restraint system with a harness as those terms are defined in 49 C.F.R. § 571.213, as may be amended;

(2) a child under five years, of age who is not properly secured in a federally approved rear-facing child restraint system in accordance with subdivision (1) of this subsection shall be properly secured in a forward-facing federally approved child restraint system with a harness until the child reaches the weight or height limit of the child restraint system as set by the manufacturer;

(3) a child under eight years of age who is not properly secured in a federally approved child restraint system in accordance with subdivision (1) or (2) of this subsection shall be properly secured in a booster seat, as defined in 49 C.F.R. § 571.213, as may be amended;

(4) a child under 18 years of age who is not properly secured in a federally approved child restraint system in accordance with subdivision (1), (2), or (3) of this subsection shall be restrained in a safety belt system;

(5) a child under 13 years of age shall always, if practical, ride in a rear seat of a motor vehicle; and

(6) no child shall be secured in a rear-facing child restraint system in the front seat of a motor vehicle that is equipped with an active passenger-side airbag unless the airbag is deactivated.

(b) An individual shall not be adjudicated in violation of this section if:

(1) the motor vehicle is regularly used to transport passengers for hire, except a motor vehicle owned or operated by a child care facility;

(2) the motor vehicle was manufactured without safety belts; or

(3) the individual has been ordered by an enforcement officer, a firefighter, or an authorized civil authority to evacuate individuals from a stricken area.

(c) The civil penalty for violation of this section shall be as follows:

(1) \$25.00 for a first violation;

(2) \$50.00 for a second violation; and

(3) \$100.00 for third and subsequent violations.