

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

February 13, 2024
Date

Committee on Transportation, Housing & Local Government.

After consideration on the merits, the Committee recommends the following:

HB24-1055 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1. Legislative declaration.** (1) The general
4 assembly finds and declares that:

5 (a) Cars remain a leading cause of death for children in Colorado;
6 from 2015 to 2019, 48 children under age eight were killed in passenger
7 vehicle crashes. The Colorado department of transportation estimates that
8 59% to nearly 84% of children are improperly restrained while riding in
9 a vehicle.

10 (b) According to data from the federal centers for disease control
11 and prevention, American Indian and Alaska Native children and Black
12 children are more likely to be killed in a crash than white children.
13 Children in rural areas are also typically at higher risk, as studies indicate
14 that children in rural areas are more likely to be incorrectly restrained than
15 children in urban areas.

16 (c) In 2018, the American Academy of Pediatrics updated its child
17 passenger safety best practice recommendations to optimize safety in
18 passenger vehicles for children from birth through adolescence.
19 Colorado's child passenger safety laws related to car seats, booster seats,
20 and seat belt requirements have not been updated in over a decade and
21 have fallen behind in ensuring children in Colorado are as safe as possible
22 if or when a motor vehicle crash occurs.

23 (d) It is critical for families to have timely access to replacement
24 car seats following an accident and when children have medically
25 complex needs requiring specialized adaptive car seats; and

26 (e) Twenty-three states, the District of Columbia, and the United
27 States Virgin Islands require children younger than 2 years old to be in a

1 rear-facing child safety seat. Research shows that children aged 0 to 4
2 years are less likely to be injured in a motor vehicle crash if they are
3 restrained in a rear-facing car seat, as opposed to a forward-facing car
4 seat.

5 (2) Therefore, the general assembly further declares that it is in
6 the best interest of the state of Colorado to modernize child passenger
7 safety laws and provide education and child restraint system distribution
8 programs to parents and caregivers to ensure children in Colorado are as
9 safe as possible when traveling in a motor vehicle.

10 **SECTION 2.** In Colorado Revised Statutes, **add** part 28 to article
11 33.5 of title 24 as follows:

12 **PART 28**
13 **CHILD PASSENGER SAFETY EDUCATION AND**
14 **DISTRIBUTION GRANT PROGRAM**

15 **24-33.5-2801. Short title.** THE SHORT TITLE OF THIS PART 28 IS
16 THE "CHILD PASSENGER SAFETY EDUCATION AND DISTRIBUTION GRANT
17 PROGRAM ACT".

18 **24-33.5-2802. Definitions.** AS USED IN THIS PART 28, UNLESS THE
19 CONTEXT OTHERWISE REQUIRES:

20 (1) "CHILD RESTRAINT SYSTEM" MEANS A SPECIALLY DESIGNED
21 SEATING SYSTEM THAT:

22 (a) IS DESIGNED TO PROTECT, HOLD, OR RESTRAIN A CHILD IN A
23 MOTOR VEHICLE IN SUCH A WAY AS TO PREVENT OR MINIMIZE INJURY TO
24 THE CHILD IN THE EVENT OF A MOTOR VEHICLE ACCIDENT;

25 (b) IS EITHER PERMANENTLY AFFIXED TO A MOTOR VEHICLE OR IS
26 AFFIXED TO SUCH VEHICLE BY A SAFETY BELT OR A UNIVERSAL
27 ATTACHMENT SYSTEM; AND

28 (c) MEETS THE FEDERAL MOTOR VEHICLE SAFETY STANDARDS SET
29 FORTH IN 49 CFR 571.213, AS AMENDED.

30 (2) "FUND" MEANS THE CHILD PASSENGER SAFETY EDUCATION AND
31 DISTRIBUTION GRANT PROGRAM FUND CREATED IN SECTION 24-33.5-2805.

32 (3) "GRANT PROGRAM" MEANS THE CHILD PASSENGER SAFETY
33 EDUCATION AND DISTRIBUTION GRANT PROGRAM CREATED IN SECTION
34 24-33.5-2803.

35 **24-33.5-2803. Child passenger safety education and**
36 **distribution grant program - created - rules.** (1) FOR PURPOSES OF
37 KEEPING CHILDREN AS SAFE AS POSSIBLE WHEN TRAVELING IN A MOTOR
38 VEHICLE AND MINIMIZING THE RISK OF SERIOUS INJURY OR DEATH TO
39 CHILDREN WHEN INVOLVED IN A MOTOR VEHICLE ACCIDENT, THERE IS
40 CREATED WITHIN THE DEPARTMENT THE CHILD PASSENGER SAFETY
41 EDUCATION AND DISTRIBUTION GRANT PROGRAM TO PROVIDE GRANTS TO
42 FINANCE TRAINING FOR CERTIFIED CHILD PASSENGER SAFETY
43 TECHNICIANS; ENHANCE PARENT AND CAREGIVER AWARENESS AND

1 EDUCATION ON PROPER CHILD RESTRAINT SYSTEM USAGE; AND PROVIDE
2 EQUITABLE ACCESS TO CHILD RESTRAINT SYSTEMS, SUCH AS CAR SEATS
3 AND BOOSTER SEATS, TO PARENTS AND CAREGIVERS WHO DO NOT HAVE A
4 LEGALLY COMPLIANT CHILD RESTRAINT SYSTEM.

5 (2) ELIGIBLE GRANT APPLICANTS INCLUDE COMMUNITY-BASED
6 ORGANIZATIONS, HOSPITALS, LOCAL PUBLIC HEALTH DEPARTMENTS, FIRE
7 DEPARTMENTS, FIRE PROTECTION DISTRICTS, FIRE AUTHORITIES,
8 GOVERNMENTAL ENTITIES, NONPROFIT ORGANIZATIONS, AND EMERGENCY
9 MEDICAL SERVICE PROVIDERS.

10 (3) GRANT RECIPIENTS SHALL USE THE MONEY RECEIVED THROUGH
11 THE GRANT PROGRAM FOR THE FOLLOWING PURPOSES:

12 (a) TO PROVIDE FUNDING FOR NATIONAL CERTIFICATION OR
13 RECERTIFICATION OF CHILD PASSENGER SAFETY TECHNICIANS THROUGH
14 THE NATIONAL CHILD PASSENGER SAFETY CERTIFICATION TRAINING
15 PROGRAM;

16 (b) TO EDUCATE FAMILIES AND CAREGIVERS ON THE COLORADO
17 CHILD PASSENGER RESTRAINT LAWS, SAFEST PRACTICES, AND
18 PERSONALIZED CHILD RESTRAINT SYSTEM SAFETY INSTALLATION
19 INSTRUCTIONS TO PROTECT INFANTS AND CHILDREN;

20 (c) TO PROVIDE LANGUAGE TRANSLATION SERVICES IN MULTIPLE
21 LANGUAGES FOR PARENT AND CAREGIVER AWARENESS AND EDUCATION
22 ON PROPER CHILD RESTRAINT SYSTEM USAGE; OR

23 (d) TO CREATE CHILD RESTRAINT SYSTEM DISTRIBUTION
24 PROGRAMS FOR FAMILIES OF CHILDREN WHO DO NOT HAVE A LEGALLY
25 COMPLIANT CHILD RESTRAINT SYSTEM.

26 (4) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM
27 AND, SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS
28 PROVIDED IN THIS PART 28. GRANTS MUST BE PAID OUT OF THE FUND.

29 (5) (a) THE EXECUTIVE DIRECTOR SHALL IMPLEMENT THE GRANT
30 PROGRAM IN ACCORDANCE WITH THIS PART 28. PURSUANT TO ARTICLE 4
31 OF THIS TITLE 24, BY JANUARY 1, 2025, THE EXECUTIVE DIRECTOR SHALL
32 PROMULGATE SUCH RULES AS ARE REQUIRED IN THIS SUBSECTION (5) AND
33 SUCH ADDITIONAL RULES AS MAY BE NECESSARY TO IMPLEMENT THE
34 GRANT PROGRAM. AT A MINIMUM, THE RULES MUST SPECIFY THE TIME
35 FRAMES FOR APPLYING FOR GRANTS, THE FORM OF THE GRANT PROGRAM
36 APPLICATION, THE CRITERIA FOR DETERMINING ELIGIBILITY FOR THE
37 GRANT PROGRAM, THE CRITERIA THE DEPARTMENT SHALL CONSIDER IN
38 AWARDING GRANTS, INFORMATION GRANT RECIPIENTS MUST INCLUDE IN
39 REPORTS PURSUANT TO SECTION 43-5-604, AND THE DEADLINES FOR
40 DISTRIBUTING GRANT MONEY.

41 (b) THE DEPARTMENT SHALL WORK IN COLLABORATION WITH THE
42 COLORADO STATE PATROL, THE DEPARTMENT OF TRANSPORTATION, THE
43 DEPARTMENT OF EARLY CHILDHOOD, AND THE DEPARTMENT OF PUBLIC

1 HEALTH AND ENVIRONMENT IN DEVELOPING RULES FOR THE GRANT
2 PROGRAM AND IN IMPLEMENTING, MANAGING, AND REPORTING ON THE
3 GRANT PROGRAM.

4 (6) TO RECEIVE A GRANT, AN ELIGIBLE APPLICANT MUST SUBMIT
5 AN APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH RULES
6 DEVELOPED PURSUANT TO SUBSECTION (5) OF THIS SECTION.

7 (7) IN AWARDING GRANTS, THE DEPARTMENT SHALL PRIORITIZE
8 ELIGIBLE APPLICANTS SERVING UNDERSERVED COMMUNITIES, INCLUDING
9 THOSE COMMUNITIES IN WHICH ENGLISH IS NOT THE PRIMARY LANGUAGE,
10 LOW-INCOME AREAS OF THE STATE, AND RURAL AREAS OF THE STATE, TO
11 PROMOTE EQUITABLE ACCESS TO CHILD RESTRAINT SYSTEMS.

12 **24-33.5-2804. Reporting requirements.** (1) ON OR BEFORE
13 MARCH 1, 2026, AND ON OR BEFORE MARCH 1 EACH YEAR THEREAFTER,
14 EACH PERSON THAT RECEIVES A GRANT THROUGH THE GRANT PROGRAM
15 SHALL SUBMIT A REPORT TO THE DEPARTMENT. AT A MINIMUM, THE
16 REPORT MUST INCLUDE THE FOLLOWING INFORMATION:

17 (a) FOR ANY GRANT RECIPIENT USING FUNDS FOR CHILD RESTRAINT
18 SYSTEM DISTRIBUTION, DE-IDENTIFIED AND AGGREGATED DATA ON THE
19 DEMOGRAPHICS OF FAMILIES WHO RECEIVE CHILD RESTRAINT SYSTEMS
20 THROUGH THE GRANT PROGRAM, INCLUDING THE FAMILIES' LOCATIONS
21 AND INCOMES; AND

22 (b) ANY OTHER INFORMATION THE DEPARTMENT MAY REQUIRE BY
23 RULE.

24 (2) ON OR BEFORE DECEMBER 1, 2026, AND ON OR BEFORE
25 DECEMBER 1 EACH YEAR THEREAFTER FOR THE DURATION OF THE GRANT
26 PROGRAM, THE DEPARTMENT SHALL SUBMIT A SUMMARIZED REPORT ON
27 THE GRANT PROGRAM TO THE HOUSE OF REPRESENTATIVES
28 TRANSPORTATION, HOUSING, AND LOCAL GOVERNMENT COMMITTEE AND
29 THE SENATE TRANSPORTATION AND ENERGY COMMITTEE, OR THEIR
30 SUCCESSOR COMMITTEES. BEGINNING IN JANUARY 2027, AND IN JANUARY
31 EVERY YEAR THEREAFTER, THE DEPARTMENT SHALL INCLUDE, AS PART OF
32 ITS PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY
33 SECTION 2-7-203, THE SUMMARIZED REPORT ON THE GRANT PROGRAM. AT
34 A MINIMUM, THE REPORT MUST INCLUDE:

35 (a) INFORMATION ON THE GRANT RECIPIENTS;

36 (b) INFORMATION ON HOW RECIPIENTS USED THE GRANT MONEY,
37 INCLUDING THE NUMBER OF CERTIFIED CHILD PASSENGER SAFETY
38 TECHNICIANS TRAINED, THE TYPE AND NUMBER OF EDUCATIONAL
39 OPPORTUNITIES PROVIDED TO FAMILIES, AND THE NUMBER OF CHILD
40 RESTRAINT SYSTEMS DISTRIBUTED; AND

41 (c) ANY OTHER MEASURABLE OUTCOMES THAT THE DEPARTMENT
42 DEEMS APPROPRIATE.

43 (3) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE

1 REPORTING REQUIREMENTS SET FORTH IN THIS SECTION CONTINUE UNTIL
2 THE GRANT PROGRAM REPEALS PURSUANT TO SECTION 24-33.5-2806.

3 **24-33.5-2805. The child passenger safety education and**
4 **distribution grant program fund - created - appropriation.**

5 (1)(a) THERE IS CREATED IN THE STATE TREASURY THE CHILD PASSENGER
6 SAFETY EDUCATION AND DISTRIBUTION GRANT PROGRAM FUND. THE FUND
7 CONSISTS OF ANY MONEY APPROPRIATED OR TRANSFERRED TO THE FUND
8 BY THE GENERAL ASSEMBLY AND ANY GIFTS, GRANTS, OR DONATIONS TO
9 THE DEPARTMENT FOR USE FOR THE GRANT PROGRAM FROM PRIVATE OR
10 PUBLIC SOURCES FOR THE PURPOSES OF THIS PART 28.

11 (b) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS,
12 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
13 PURPOSES OF THIS PART 28. ALL PRIVATE AND PUBLIC MONEY RECEIVED
14 THROUGH GIFTS, GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE
15 STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

16 (2) MONEY IN THE FUND IS SUBJECT TO ANNUAL APPROPRIATION
17 BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR THE PURPOSES
18 SPECIFIED IN THIS PART 28. THE DEPARTMENT MAY USE A PORTION OF THE
19 MONEY ANNUALLY APPROPRIATED FOR THE GRANT PROGRAM TO PAY THE
20 DIRECT AND INDIRECT COSTS THAT THE DEPARTMENT INCURS TO
21 ADMINISTER THE GRANT PROGRAM.

22 (3) ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING
23 IN THE FUND AT THE END OF ANY STATE FISCAL YEAR REMAINS IN THE
24 FUND AND SHALL NOT BE TRANSFERRED TO THE GENERAL FUND OR ANY
25 OTHER FUND.

26 (4) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED
27 AND UNENCUMBERED MONEY IN THE FUND ON AUGUST 31, 2030, TO THE
28 GENERAL FUND.

29 (5) FOR THE 2024-25 STATE FISCAL YEAR AND EACH STATE FISCAL
30 YEAR THEREAFTER UNTIL THE GRANT PROGRAM REPEALS PURSUANT TO
31 SECTION 24-33.5-2806, THE GENERAL ASSEMBLY SHALL APPROPRIATE TWO
32 HUNDRED FIFTY THOUSAND DOLLARS FROM THE GENERAL FUND TO THE
33 FUND FOR THE PURPOSE OF IMPLEMENTING AND ADMINISTERING THE
34 GRANT PROGRAM.

35 **24-33.5-2806. Repeal of part.** THIS PART 28 IS REPEALED,
36 EFFECTIVE SEPTEMBER 1, 2030.

37 **SECTION 3.** In Colorado Revised Statutes, 24-75-402, **add**
38 (5)(eee) as follows:

39 **24-75-402. Cash funds - limit on uncommitted reserves -**
40 **reduction in the amount of fees - exclusions - definitions.**

41 (5) Notwithstanding any provision of this section to the contrary, the
42 following cash funds are excluded from the limitations specified in this
43 section:

1 (eee) THE CHILD PASSENGER SAFETY EDUCATION AND
2 DISTRIBUTION GRANT PROGRAM FUND CREATED IN SECTION 24-33.5-2805.

3 **SECTION 4.** In Colorado Revised Statutes, 42-4-236, **amend**
4 (2)(a), (2)(b), and (3)(b); and **add** (12) as follows:

5 **42-4-236. Child restraint systems required - definitions -**
6 **exemptions.** (2) (a) (I) Unless exempted pursuant to subsection (3) of
7 this section and except as otherwise provided in ~~subparagraphs (H) and~~
8 ~~(HH) of this paragraph (a)~~ SUBSECTIONS (2)(a)(II), (2)(a)(III), AND
9 (2)(a)(IV) OF THIS SECTION, every child who is under ~~eight~~ **nine** years of
10 age and who is being transported in this state in a motor vehicle or in a
11 vehicle operated by a child care center shall be properly restrained in a
12 child restraint system according to the manufacturer's instructions.

13 (II) If the child is less than ~~one year~~ **two** years of age, and
14 ~~weighs less than twenty pounds~~, the child shall be properly restrained in
15 ~~a rear-facing child restraint system~~ in a rear seat of the vehicle, if a rear
16 seat is available, and:

17 (A) IN A REAR-FACING CHILD RESTRAINT SYSTEM IF THE CHILD
18 WEIGHS UNDER FORTY POUNDS; OR

19 (B) IN A REAR-FACING OR FORWARD-FACING CHILD RESTRAINT
20 SYSTEM IF THE CHILD WEIGHS FORTY POUNDS OR MORE.

21 (III) If the child is ~~one year~~ **two** years of age or older, but less
22 than four years of age, and weighs ~~less than forty pounds~~, but at least
23 twenty pounds, the child shall be properly restrained: ~~in a rear-facing or~~
24 ~~forward-facing child restraint system.~~

25 (A) IN A REAR-FACING OR FORWARD-FACING CHILD RESTRAINT
26 SYSTEM; AND

27 (B) IN THE REAR SEAT OF A VEHICLE, IF A REAR SEAT IS AVAILABLE.

28 (IV) IF THE CHILD IS FOUR YEARS OF AGE OR OLDER, BUT LESS
29 THAN NINE YEARS OF AGE, AND WEIGHS AT LEAST FORTY POUNDS, THE
30 CHILD SHALL BE PROPERLY RESTRAINED:

31 (A) IN A CHILD RESTRAINT SYSTEM OR BOOSTER SEAT; AND

32 (B) IN THE REAR SEAT OF A VEHICLE, IF A REAR SEAT IS AVAILABLE.

33 (b) Unless excepted pursuant to subsection (3) of this section,
34 every child who is at least ~~eight~~ **nine** years of age but less than sixteen
35 years of age who is being transported in this state in a motor vehicle or in
36 a vehicle operated by a child care center shall be properly restrained in a
37 safety belt or child restraint system according to the manufacturer's
38 instructions.

39 (3) Except as provided in section 42-2-105.5 (4), subsection (2)
40 of this section does not apply to a child who:

41 (b) Is less than ~~eight~~ **nine** years of age and is being transported in
42 a motor vehicle as a result of a medical or other life-threatening
43 emergency and a child restraint system is not available;

1 (12) A COURT MAY WAIVE THE PENALTY ISSUED PURSUANT TO
2 SUBSECTION (7) OF THIS SECTION IF, AT THE TIME OF THE COURT
3 APPEARANCE, THE DEFENDANT PRESENTS THE COURT WITH EVIDENCE OF
4 HAVING MET WITH A CERTIFIED CHILD PASSENGER SAFETY TECHNICIAN.

5 **SECTION 5. Safety clause.** The general assembly finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, or safety or for appropriations for
8 the support and maintenance of the departments of the state and state
9 institutions."

** ** ** ** **