

CHAPTER 376

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 24-1055

BY REPRESENTATIVE(S) Froelich and Pugliese, Lindstedt, Taggart, Amabile, Bacon, Bird, Boesenecker, Brown, Clifford, Daugherty, Duran, Frizell, Hamrick, Jodeh, Joseph, Kipp, Lieder, Lindsay, Lukens, Mabrey, Mauro, McLachlan, Ortiz, Ricks, Snyder, Story, Valdez, Vigil, Woodrow, Young, McCluskie;
also SENATOR(S) Winter F. and Priola, Cutter, Exum, Jaquez Lewis, Buckner, Michaelson Jenet, Roberts, Sullivan.

AN ACT**CONCERNING IMPROVING CHILD PASSENGER SAFETY.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

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

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

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

(d) It is critical for families to have timely access to replacement car seats

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

following an accident and when children have medically complex needs requiring specialized adaptive car seats; and

(e) Twenty-three states, the District of Columbia, and the United States Virgin Islands require children younger than 2 years old to be in a rear-facing child safety seat. Research shows that children aged 0 to 4 years are less likely to be injured in a motor vehicle crash if they are restrained in a rear-facing car seat, as opposed to a forward-facing car seat.

(2) Therefore, the general assembly further declares that it is in the best interest of the state of Colorado to modernize child passenger safety laws.

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

42-4-236. Child restraint systems required - definitions - exemptions.

(2) (a) (I) Unless exempted pursuant to subsection (3) of this section and except as otherwise provided in ~~subparagraphs (II) and (III) of this paragraph (a)~~ SUBSECTIONS (2)(a)(II), (2)(a)(III), AND (2)(a)(IV) OF THIS SECTION, every child who is under ~~eight~~ NINE years of age and who is being transported in this state in a motor vehicle or in a vehicle operated by a child care center shall be properly restrained in a child restraint system according to the manufacturer's instructions.

(II) If the child is less than ~~one year~~ TWO YEARS of age, and weighs less than ~~twenty pounds~~, the child shall be properly restrained in a rear-facing child restraint system in a rear seat of the vehicle, IF A REAR SEAT IS AVAILABLE, AND:

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

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

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

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

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

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

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

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

(b) Unless excepted pursuant to subsection (3) of this section, every child who is at least ~~eight~~ NINE years of age but less than ~~sixteen~~ EIGHTEEN years of age who

is being transported in this state in a motor vehicle or in a vehicle operated by a child care center shall be properly restrained in a safety belt or child restraint system according to the manufacturer's instructions.

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

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

(4) The division of highway safety shall USE EXISTING NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION OCCUPANT PROTECTION GRANT FUNDS TO implement a program for public information and education concerning UPDATES TO CHILD RESTRAINT SYSTEM REQUIREMENTS, the use of child restraint systems, and the provisions of this section.

SECTION 3. Effective date. This act takes effect January 1, 2025.

SECTION 4. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: June 4, 2024