



SPONSOR: Rep. M. Smith
Reps. Keeley, Osienski, Spiegelman; Sens. Cloutier,
Lavelle, Poore

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 256

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO CHILD RESTRAINTS IN MOTOR VEHICLES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 4803, Title 21 of the Delaware Code by making deletions as shown by strikethrough and
2 insertions as shown by underline as follows:

3 § 4803 Child restraint in motor vehicles.

4 (a) Every person shall be responsible, when transporting a child through the age of 7 and up to and including the
5 weight of 65 pounds in a motor vehicle operated on the roadways, ~~streets~~ streets, or highways of this State, for providing
6 protection of the child by properly securing the child in all seating positions, according to manufacturer's instruction, in a
7 child safety seat or booster seat meeting federal motor vehicle safety standards, and that is appropriate for the child's weight
8 and height. Every child who has either attained the age of 8 or a weight in excess of 65 pounds and has not yet attained the
9 age of 16 shall, in all seating positions, wear a properly secured seatbelt while in a motor vehicle operated on the roadways,
10 ~~streets~~ streets, or highways of this State. The duty imposed by this subsection shall not apply to any operator or passenger
11 of a motor bus, ~~limousine~~ limousine, or taxicab as defined in § 1801 of Title 2.

12 (b) Any person who transports a child under 2 years of age in a motor vehicle operated on the roadways, streets, or
13 highways of this State shall properly secure the child in a rear-facing child passenger restraint system that meets applicable
14 federal motor vehicle safety standards, unless the child weighs 40 or more pounds or is 40 or more inches tall or until the
15 child outgrows the top height or top weight recommendations made by the manufacturer of the child passenger restraint
16 system. The child must be secured in a manner that complies with the height and weight limits specified by the
17 manufacturer of the child passenger restraint system.

18 (b)(1) No child who is 65 inches or less in height and who is under 12 years of age shall occupy the front
19 passenger seat of any vehicle equipped with a passenger-side airbag that has not been deliberately rendered inoperable in
20 conformity with federal law. This subsection shall not apply to vehicles equipped with a passenger-side airbag specifically
21 designed or modified by the vehicle's manufacturer for use by children and small adults.

22 (2) It shall not be a violation of this section for a child 65 inches or less in height and under 12 years of age to
23 occupy the front passenger seat of a vehicle equipped with a passenger-side airbag that has not been deliberately rendered
24 inoperable in conformity with federal law if such vehicle does not have a rear passenger seat or if all rear passenger seats
25 are occupied by other children 65 inches or less in height and under 12 years of age. A violation of this subsection shall be
26 considered a secondary offense, and no motor vehicle shall be stopped by a police officer solely for failure to comply with
27 this subsection.

28 (c) A violation of this section shall be an offense punishable by a fine of \$25 for each violation. The failure to
29 provide a child restraint system or seat belt for more than 1 child in the same vehicle at the same time, as required by this
30 section, shall not be treated as a separate offense.

31 (d) A violation of this section shall not be considered as evidence of either comparative or contributory negligence
32 in any civil suit or of criminal negligence or recklessness in any criminal action arising out of any motor vehicle accident in
33 which a child under 16 is injured, nor shall failure to wear a child passenger restraint system or seat belt in violation of this
34 section be admissible as evidence in the trial of any civil action.

35 (e) Following May 9, 2002, and prior to January 1, 2003, the Department of Safety and Homeland Security shall
36 implement an awareness campaign to educate motorists about the components of the law and to encourage the public to
37 correctly and consistently uses child safety seats, booster seats and seatbelts.

38 Section 2. This Act takes effect 1 year after its enactment into law.

SYNOPSIS

This Act requires children 2 years of age or younger to be secured in a rear-facing child passenger restraint system, until the child outgrows the maximum weight and height limits designated by the car seat manufacturer or until the child weighs 40 or more pounds or is 40 or more inches tall. The law takes effect 1 year after its enactment into law to allow residents of this state sufficient time to become aware of the rear-facing car seat requirement.