

A bill for an act
relating to traffic regulations; requiring passenger restraint for children under the
age of eight in motor vehicles; amending Minnesota Statutes 2006, sections
169.685, subdivisions 5, 6; 169.686, subdivision 1.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2006, section 169.685, subdivision 5, is amended to read:

Subd. 5. **Violation; petty misdemeanor.** (a) Every motor vehicle operator, when
transporting a child under the age of ~~four~~ eight on the streets and highways of this state
in a motor vehicle equipped with factory-installed seat belts, shall equip and install for
use in the motor vehicle, according to the manufacturer's instructions, a child passenger
restraint system meeting federal motor vehicle safety standards.

(b) No motor vehicle operator who is operating a motor vehicle on the streets and
highways of this state may transport a child under the age of ~~four~~ eight in a seat of a motor
vehicle equipped with a factory-installed seat belt, unless the child is properly fastened
in the child passenger restraint system. Any motor vehicle operator who violates this
subdivision is guilty of a petty misdemeanor and may be sentenced to pay a fine of not
more than \$50. The fine ~~may~~ must be waived ~~or the amount reduced~~ if the motor vehicle
operator produces evidence that within 14 days after the date of the violation a child
passenger restraint system meeting federal motor vehicle safety standards was purchased
or obtained for the exclusive use of the operator.

(c) The fines collected for violations of this subdivision must be deposited in the
state treasury and credited to a special account to be known as the Minnesota child
passenger restraint and education account.

Sec. 2. Minnesota Statutes 2006, section 169.685, subdivision 6, is amended to read:

Subd. 6. **Exceptions.** (a) This section does not apply to:

(1) a person transporting a child in an emergency medical vehicle while in the performance of official duties and when the physical or medical needs of the child make the use of a child passenger restraint system unreasonable or when a child passenger restraint system is not available; and

(2) a peace officer transporting a child while in the performance of official duties and when a child passenger restraint system is not available, provided that a seat belt must be substituted; ~~and~~

~~(3) a person while operating a motor vehicle for hire, including a taxi, airport limousine, and bus, but excluding a rented, leased, or borrowed motor vehicle.~~

(b) A child passenger restraint system is not required for a child who cannot, in the judgment of a licensed physician, be safely transported in a child passenger restraint system because of a medical condition, body size, or physical disability. A motor vehicle operator claiming exemption for a child under this paragraph must possess a typewritten statement from the physician stating that the child cannot be safely transported in a child passenger restraint system. The statement must give the name and birth date of the child, be dated within the previous six months, and be made on the physician's letterhead or contain the physician's name, address, and telephone number. A person charged with violating subdivision 5 may not be convicted if the person produces the physician's statement in court or in the office of the arresting officer.

(c) A person offering a motor vehicle for rent or lease shall provide a child passenger restraint device to a customer renting or leasing the motor vehicle who requests the device. A reasonable rent or fee may be charged for use of the child passenger restraint device.

Sec. 3. Minnesota Statutes 2006, section 169.686, subdivision 1, is amended to read:

Subdivision 1. **Seat belt requirement.** (a) A properly adjusted and fastened seat belt, including both the shoulder and lap belt when the vehicle is so equipped, shall be worn by:

(1) the driver of a passenger vehicle or commercial motor vehicle;

(2) a passenger riding in the front seat of a passenger vehicle or commercial motor vehicle; and

(3) a passenger riding in any seat of a passenger vehicle who is eight years of age or older ~~than three~~ but younger than 11 years of age.

(b) A person who is 15 years of age or older and who violates paragraph (a), clause (1) or (2), is subject to a fine of \$25. The driver of the passenger vehicle or commercial

3.1 motor vehicle in which the violation occurred is subject to a \$25 fine for a violation of
3.2 paragraph (a), clause (2) or (3), by a child of the driver under the age of 15 or any child
3.3 under the age of 11. A peace officer may not issue a citation for a violation of this section
3.4 unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving
3.5 violation other than a violation involving motor vehicle equipment. The Department of
3.6 Public Safety shall not record a violation of this subdivision on a person's driving record.