

Act 2006-623
Effective July 1, 2006

ENROLLED, An Act,

To amend Section 32-5-222 of the Code of Alabama 1975, relating to child passenger restraints, to further provide for the use of child passenger restraints; to increase the fine; to provide for a point system; to provide for dismissal of charges upon proof of acquisition of an appropriate child passenger restraint; to provide for \$15 to be deposited in the State Treasury to be disbursed by the State Comptroller to the Alabama Head Injury Foundation to administer; to subject the foundation to examination by the Department of Examiners of Public Accounts; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-5-222 of the Code of Alabama 1975, is amended to read as follows:

§32-5-222.

"(a) Every person transporting a child in a motor vehicle operated on the roadways, streets, or highways of this state, shall provide for the protection of the child by properly using an aftermarket or integrated child passenger restraint system meeting applicable federal motor vehicle safety standards and the requirements of subsection (b). This section shall not be interpreted to release in part or in whole the responsibility of an automobile manufacturer to insure the safety of children to a level at least equivalent to existing federal safety standards for adults. In no event shall failure to wear a child passenger restraint system be considered as contributory negligence. The term "motor vehicle" as used in this section shall include a passenger car, pickup truck, van (seating capacity of 10 or less), minivan, or sports utility vehicle.

"(b) The size appropriate restraint system required for a child in subsection (a) shall include all of the following:

"(1) Infant only seats and convertible seats used in the rear facing position for infants until at least one year of age or 20 pounds.

"(2) Convertible seats in the forward position or forward facing seats until the child is at least five years of age or 40 pounds.

"(3) Booster seats until the child is six years of age.

"(4) Seat belts until 15 years of age.

However this bill must meet the requirements of Code Section 32-5b-4.

"(c) No provision of this section shall be construed as creating any duty, standard of care, right, or liability between parent and child that is not recognized under the laws of the State of Alabama as they presently exist, or may, at any time in the future, be constituted by statute or decision.

"(d) Any person violating the provisions of this section may be fined twenty-five dollars (\$25) for each offense. The charges may be dismissed by the trial judge hearing the case and no court costs shall be assessed upon proof of acquisition of an appropriate child passenger restraint.

"(e) Fifteen dollars (\$15) of a fine imposed under subsection (d) shall be used to distribute vouchers for size appropriate child passenger restraint systems to families of limited income in the state. The fifteen dollars (\$15) shall be deposited in the State Treasury to be distributed by the State Comptroller to the Alabama Head Injury Foundation, which shall administer the program free of charge. The Department of Examiners of Public Accounts shall annually audit, review, and otherwise investigate the receipts and disbursements of these funds by the foundation in the same manner and to the same extent as the department performs examinations and audits of agencies and departments of the State of Alabama.

"(f) The provisions of this section notwithstanding, nothing contained herein shall be deemed a violation of any law which would otherwise nullify or change in any way the provisions or coverage of any insurance contract.

"(g) For the purpose of identifying habitually negligent drivers and habitual or frequent violators, the Department of Public Safety shall assess the following points:

"(1) Violation of child safety restraint requirements, first offense -----1 point.

"(2) Violation of child safety restraint requirements, second or subsequent offense -----2 points.

"(h) Every person transporting a child shall be responsible for assuring that each child is properly restrained pursuant to this section. The provisions shall not apply to taxis and all motor vehicles with a seating capacity of 11 or more passengers.

"(i) Each state, county, and municipal police department shall maintain statistical information on traffic stops of minorities pursuant to this section, and shall report that information monthly to the Department of Public Safety and the Office of the Attorney General."

Section 2. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, because the bill defines a new crime or amends the definition of an existing crime.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.