

WISCONSIN ACT 106 – Formally Assembly Bill 618
Wisconsin's New Child Booster Seat Law
By: WisDOT/DSP, Bureau of Transportation Safety, BOTS

Background Scope:

- A total of 3,082 child restraint citations were posted to driving records in 2005
- In the past five years, 53 kids, ages 0-8 were killed in Wisconsin from M/V crashes
- Another 8,207 were injured over that same period
- Of those killed, 30% were unbelted and 59% were either unbelted, or protected only by a seat belt

General Provisions:

- The law goes into effect on **June 1st**
- The 6-month written warning grace period for any child passenger violations under 347.48(4) will last until the end of the sixth month (December, 2006)
- Citations may be issued starting in **January of 2007**
- Warnings issued during the grace period shall be sent to DMV
- Second and subsequent violations during the grace period are citable

Core Provisions:

- In basic terms, kids must be in a car seat until they reach age 4 (not new)
- And in a booster seat until they reach age 8 (new)
- Tiered Structure (all new):
 - less than 1 year old, or less than 20 lbs. must be in a rear-facing child seat in the back seat (if so equipped)
 - age 1+ up to age 4, or less than 40 lbs. must be in a forward-facing child seat in the back seat (if so equipped)
 - age 4 until they reach age 8, between 40-80 lbs. and no more than 4 ft 9 ins. must be in a booster seat
- The fines remain the same, although tiered for ages 0-4 and ages 4-8

Exemptions:

- The exemption allowing temporary removal of a child from a restraint to attend to personal needs has been removed
- The exemption for drivers who 'reasonably believe their passengers are restrained' under 347.48(2m)(c) has been removed
- The exemption for physical, medical, or body size condition still applies to booster seats & seat belts
- UW Children's Hospital reports the average height for an 8-year old is 4 feet 1 inch tall and on average, 45 lbs., so some latitude is built in

Legislative Intent:

- Emphasis should be on education of parents and the public, not enforcement
- While exact weights and heights of children may not be readily accessible, officer-discretion remains a viable option
- Police should emphasize the bill's intention to establish guidelines for parents to follow in order to maximize the protection of all children
- Consider the bill an opportunity for a '**teachable moment**'

Federal Funding Eligibility:

- Wisconsin will be eligible for approximately \$625,000 in federal incentive funding from passing this qualifying legislation

- Similar funding will be included in each of the following three years for a estimated total of \$2.5 Million
- Funding will be used to educate and train the public along with a portion dedicated to purchasing booster seats for low-income families
- Qualifying booster seats cost generally between \$15 - \$75, depending on the model
- The federal incentive funding will be managed by BOTS utilizing existing child safety vendors across the State
- Booster seat distribution will likely be provided by these vendors to those who successfully complete the usage educational programs
- Education and outreach has already begun, booster seat distributions will be available sometime in mid-2006
- BOTS will publish and distribute educational material targeted to three sectors; parents, law enforcement, and the general public

Change to State's Mandatory Seat Belt Law:

- This act removed the "not more than 15-years old" provision of 347.48(2m)(c) now compelling any driver in violation for all unbelted passengers in their vehicle, regardless of age
- Under this provision, drivers may be cited for permitting unbelted passengers of any age in their vehicle
- Outreach about this provision should be emphasized especially toward teen drivers

Questions:

- Questions about booster seats can be addressed @ www.BoosterSeat.gov
- Or, specific questions about child seats/booster seats can be most expeditiously handled by WINS (Wisconsin Information Network for Safety) at their toll-free number -- 1-866-511-9467