

109TH CONGRESS  
1ST SESSION

# H. R. 2105

To amend title 23, United States Code, relating to the use of safety belts and child restraint systems by children, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2005

Mr. PALLONE introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 23, United States Code, relating to the use of safety belts and child restraint systems by children, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. USE OF SAFETY BELTS AND CHILD RESTRAINT**  
4 **SYSTEMS BY CHILDREN.**

5 (a) IN GENERAL.—Subchapter I of chapter 1 of title  
6 23, United States Code, is amended by adding at the end  
7 the following:

1 **“§ 165. Use of safety belts and child restraint systems**  
2 **by children**

3 “(a) DEFINITIONS.—In this section, the following  
4 definitions apply:

5 “(1) CHILD SAFETY RESTRAINT LAW.—The  
6 term ‘child safety restraint law’ means a State law  
7 that prohibits the driver of a passenger motor vehi-  
8 cle from driving the vehicle whenever there is in the  
9 vehicle a child under the age of 16 who does not  
10 have a safety belt properly fastened about the child’s  
11 body, except if the child is under the age of 9 and  
12 is properly secured in a child safety seat or other ap-  
13 propriate restraint system in accordance with the in-  
14 structions of the manufacturer of such seat or sys-  
15 tem.

16 “(2) CHILD SAFETY SEAT.—The term ‘child  
17 safety seat’ means a specially designed seating sys-  
18 tem (including booster and child safety seats) which  
19 meets the Federal motor vehicle safety standards set  
20 forth in section 571.213 of title 49 of the Code of  
21 Federal Regulations, as such section may be amend-  
22 ed from time to time, and which is either perma-  
23 nently affixed to a passenger motor vehicle or is af-  
24 fixed to a passenger motor vehicle by a safety belt  
25 or a universal attachment system.

1           “(3) MOTOR VEHICLE.—The term ‘motor vehi-  
2           cle’ means a vehicle driven or drawn by mechanical  
3           power and manufactured primarily for use on public  
4           streets, roads, and highways, but does not include a  
5           vehicle operated only on a rail line.

6           “(4) MULTIPURPOSE PASSENGER VEHICLE.—  
7           The term ‘multipurpose passenger vehicle’ means a  
8           motor vehicle with motive power (except a trailer),  
9           designed to carry not more than 10 individuals, that  
10          is constructed either on a truck chassis or with spe-  
11          cial features for occasional off-road operation.

12          “(5) PASSENGER CAR.—The term ‘passenger  
13          car’ means a motor vehicle with motive power (ex-  
14          cept a multipurpose passenger vehicle, motorcycle, or  
15          trailer) designed to carry not more than 10 individ-  
16          uals.

17          “(6) PASSENGER MOTOR VEHICLE.—The term  
18          ‘passenger motor vehicle’ means a passenger car or  
19          a multipurpose passenger vehicle.

20          “(7) SAFETY BELT.—The term ‘safety belt’  
21          means—

22                 “(A) with respect to open-body passenger  
23                 motor vehicles, including convertibles, an occu-  
24                 pant restraint system consisting of a lap belt or  
25                 a lap belt and a detachable shoulder belt meet-

1           ing applicable Federal motor vehicle safety  
2           standards; and

3                   “(B) with respect to other passenger motor  
4           vehicles, an occupant restraint system con-  
5           sisting of integrated lap and shoulder belts  
6           meeting applicable Federal motor vehicle stand-  
7           ards.

8           “(b) TRANSFER OF FUNDS.—

9                   “(1) FISCAL YEAR 2009.—On October 1, 2008,  
10          if a State has not enacted a child safety restraint  
11          law, the Secretary shall transfer an amount equal to  
12          4 percent of the funds apportioned to the State on  
13          that date under each of paragraphs (1), (3), and (4)  
14          of section 104(b) to the apportionment of the State  
15          under section 402 to be used to implement a state-  
16          wide comprehensive child and other passenger pro-  
17          tection education program to promote child and  
18          other passenger safety, including education pro-  
19          grams about proper seating positions for children in  
20          air bag equipped motor vehicles and instruction that  
21          increases the proper use of child restraint systems.

22                   “(2) FISCAL YEAR 2010.—On October 1, 2009,  
23          if a State has not enacted a child safety restraint  
24          law, the Secretary shall transfer an amount equal to  
25          6 percent of the funds apportioned to the State on

1 that date under each of paragraphs (1), (3), and (4)  
2 of section 104(b) to the apportionment of the State  
3 under section 402 to be used as described in para-  
4 graph (1) of this subsection.

5 “(3) FISCAL YEAR 2011.—On October 1, 2010,  
6 if a State has not enacted a child safety restraint  
7 law, the Secretary shall transfer an amount equal to  
8 8 percent of the funds apportioned to the State on  
9 that date under each of paragraphs (1), (3), and (4)  
10 of section 104(b) to the apportionment of the State  
11 under section 402 to be used as described in para-  
12 graph (1) of this subsection.

13 “(4) FISCAL YEAR 2012 AND THEREAFTER.—On  
14 October 1, 2011, and each October 1 thereafter, if  
15 a State has not enacted a child safety restraint law,  
16 the Secretary shall transfer an amount equal to 10  
17 percent of the funds apportioned to the State on  
18 that date under each of paragraphs (1), (3), and (4)  
19 of section 104(b) to the apportionment of the State  
20 under section 402 to be used as described in para-  
21 graph (1) of this subsection.

22 “(c) FEDERAL SHARE.—The Federal share of the  
23 cost of a project carried out with funds transferred under  
24 subsection (b) shall be 100 percent.

1       “(d) DERIVATION OF AMOUNT TO BE TRANS-  
2 FERRED.—The amount to be transferred under subsection  
3 (b)(1), (b)(2), (b)(3), or (b)(4) may be derived from 1 or  
4 more of the following:

5           “(1) The apportionment of the State under sec-  
6 tion 104(b)(1).

7           “(2) The apportionment of the State under sec-  
8 tion 104(b)(3).

9           “(3) The apportionment of the State under sec-  
10 tion 104(b)(4).

11       “(f) TRANSFER OF OBLIGATION AUTHORITY.—

12           “(1) IN GENERAL.—If the Secretary transfers  
13 under this section any funds to the apportionment of  
14 a State under section 402 for a fiscal year, the Sec-  
15 retary shall transfer an amount, determined under  
16 paragraph (2), of obligation authority distributed for  
17 the fiscal year to the State for Federal-aid highways  
18 and highway safety construction programs for car-  
19 rying out projects under section 402.

20           “(2) AMOUNT.—The amount of obligation au-  
21 thority referred to in paragraph (1) shall be deter-  
22 mined by multiplying—

23           “(A) the amount of funds transferred  
24 under this section to the apportionment of the  
25 State under section 402 for the fiscal year; by

1 “(B) the ratio that—

2 “(i) the amount of obligation author-  
3 ity distributed for the fiscal year to the  
4 State for Federal-aid highways and high-  
5 way safety construction programs; bears to

6 “(ii) the total of the sums apportioned  
7 to the State for Federal-aid highways and  
8 highway safety construction programs (ex-  
9 cluding sums not subject to any obligation  
10 limitation) for the fiscal year.

11 “(g) LIMITATION ON APPLICABILITY OF OBLIGATION  
12 LIMITATION.—Notwithstanding any other provision of  
13 law, no limitation on the total of obligations for highway  
14 safety programs under section 402 shall apply to funds  
15 transferred under this section to the apportionment of a  
16 State under such section.”.

17 (b) CONFORMING AMENDMENT.—The analysis for  
18 such subchapter is amended by adding at the end the fol-  
19 lowing:

“165. Use of safety belts and child restraint systems by children.”.

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