

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2013

COUNCIL BILL NO. _____

COMMITTEE OF REFERENCE: Health,
4 Safety, Education and Services

5
6 A BILL

7 **For an ordinance amending D.R.M.C. Section 54-238, Child restraint**
8 **systems, in order to reflect current state law.**

9
10 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

11 **Section 1.** Section 54-238, D.R.M.C., shall be amended by adding the
12 language underlined and deleting the language stricken, to read as follows:

13 **Sec. 54-238. Child restraint systems.**

14 (a) *Definitions.*

15
16 (1) Child restraint system" means a specially designed seating system ~~any device~~ which is
17 designed to protect, hold, or restrain a child in a motor vehicle ~~privately owned~~
18 ~~noncommercial vehicle~~ in such a way as to prevent or minimize injury to the child in the
19 event of a motor vehicle accident that is either permanently affixed to a motor vehicle or is
20 affixed to such vehicle by a safety belt or a universal attachment system, and which
21 conforms to all applicable federal motor vehicle safety standards.

22
23 (2) "Safety belt" means a lap belt, a shoulder belt, or any other belt or combination of belts
24 installed in a motor vehicle to restrain drivers and passengers, except any such belt which
25 is physically a part of a child restraint system. "Safety belt" includes the anchorages, the
26 buckles, and all other equipment directly related to the operation of safety belts. Proper
27 use of a safety belt, if present, crosses the shoulder and chest and the lap belt crosses
28 the hips, touching the thighs.

29
30 (3) "Seating position" means any motor vehicle interior space intended by the motor vehicle
31 manufacturer to provide seating accommodation while the motor vehicle is in motion.

32 (4) For purposes of this section "Motor vehicle" means a passenger car; a pickup truck; or a
33 van, minivan, or sport utility vehicle with a gross vehicle weight rating of less than ten
34 thousand pounds. "Motor vehicle" does not include motorcycles, low-power scooters,
35

1 motorscooters, motorbicycles, motorized bicycles, and farm tractors and implements of
2 husbandry designed primarily or exclusively for use in agricultural operations.

3
4 (b) Unless excepted pursuant to subsection (g) of this section, every child who is under eight
5 years of age and who is being transported in this city in a motor vehicle or in a vehicle operated
6 by a child care center, shall be properly restrained in a child restraint system, according to the
7 manufacturer's instructions. ~~Every child who is under four (4) years of age and weighs under~~
8 ~~forty (40) pounds, being transported in the city in a privately owned noncommercial passenger~~
9 ~~vehicle, shall be provided with a child restraint system suitable for the child's size and shall be~~
10 ~~properly fastened into such child restraint system which is in a seating position which is equipped~~
11 ~~with a safety belt or other means to secure said system according to the manufacturer's~~
12 ~~instructions. It is the responsibility of the driver transporting children, subject to the requirements~~
13 ~~of this section, to ensure that such children are provided with and that they properly use a child~~
14 ~~restraining system.~~

15
16 (c) If the child is less than one year of age and weighs less than twenty pounds, the child
17 shall be properly restrained in a rear-facing child restraint system in a rear seat of the vehicle. No
18 person shall use a safety belt or child restraint system for children four (4) years of age and under
19 in a motor vehicle unless it conforms to all applicable federal motor vehicle safety standards.

20
21 (d) If the child is one year of age or older, but less than four years of age, and weighs less
22 than forty pounds, but at least twenty pounds, the child shall be properly restrained in a rear-
23 facing or forward-facing child restraint system.

24
25 (e) Unless excepted pursuant to subsection (g) of this section, every child who is at least
26 eight years of age but less than sixteen years of age who is being transported in this city in a
27 motor vehicle or in a vehicle operated by a child care center, shall be properly restrained in a
28 safety belt or child restraint system according to the manufacturer's instructions.

29
30 (f) If a parent is in the motor vehicle, it is the responsibility of the parent to ensure that his or
31 her child or children are provided with and that they properly use a child restraint system or safety
32 belt system. If a parent is not in the motor vehicle, it is the responsibility of the driver transporting
33 a child or children, subject to the requirements of this section, to ensure that such children are
34 provided with and that they properly use a child restraint system or safety belt system.

35
36 (g) Except as provided in section C.R.S. 42-2-105.5(4), subsections (b),(c),(d),(e) and (f) of
37 this section does not apply to a child who:
38

1 (1) Is less than eight years of age and is being transported in a motor vehicle
2 as a result of a medical or other life-threatening emergency and a child restraint
3 system is not available.

4
5 (2) Is being transported by a commercial motor vehicle, as defined in C.R.S.
6 42-2-402(4)(a), that is operated by a child care center.

7
8 (3) Is the driver of a motor vehicle and is subject to the safety belt
9 requirements provided in D.R.M.C. 54-240.

10
11 (4) Is being transported in a motor vehicle that is operated in the business of
12 transporting persons for compensation or hire by or on behalf of a common carrier
13 or a contract carrier as those terms are defined in C.R.S. 40-10.1-101, or an
14 operator of a luxury limousine service as defined in C.R.S. 40-10.1-301.

15
16
17 COMMITTEE APPROVAL DATE: _____

18 MAYOR-COUNCIL DATE: _____

19 PASSED BY THE COUNCIL _____
20 2013

21 Mary Beth Susman _____ - PRESIDENT

22 APPROVED: _____ - MAYOR _____

23 2013

24 ATTEST: _____ - CLERK AND RECORDER,
25 EX-OFFICIO CLERK OF THE
26 CITY AND COUNTY OF DENVER
27

28 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2013;
29 _____ 2013

30
31 PREPARED BY: Michael J. Joyce, Assistant City Attorney DATE: September 17,
32 2013

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34 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the
35 office of the City Attorney. We find no irregularity as to form, and have no legal objection to
36 the proposed ordinance. The proposed ordinance is not submitted to the City Council for

1 approval pursuant to § 3.2.6 of the Charter.

2

3 Douglas J. Friednash, City Attorney

4 BY: _____, _____ City Attorney

5 DATE: _____