

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2013

COUNCIL BILL NO. CB13-0677
COMMITTEE OF REFERENCE:
Government & Finance

6 **A BILL**

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

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 language
12 underlined and deleting the language stricken, to read as follows:

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

16 (a) *Definitions.*

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

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

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

34 (4) For purposes of this section "Motor vehicle" means a passenger car; a pickup truck; or a van,
35 minivan, or sport utility vehicle with a gross vehicle weight rating of less than ten thousand
36 pounds, "Motor vehicle" does not include motorcycles, low-power scooters, motorscooters,
37 motorbicycles, motorized bicycles, and farm tractors and implements of husbandry designed
38 primarily or exclusively for use in agricultural operations.

40 (b) Unless excepted pursuant to subsection (g) of this section, every child who is under eight years of
41 age and who is being transported in this city in a motor vehicle or in a vehicle operated by a child care
42 center, shall be properly restrained in a child restraint system, according to the manufacturer's

1 instructions. Every child who is under four (4) years of age and weighs under forty (40) pounds, being
2 transported in the city in a privately owned noncommercial passenger vehicle, shall be provided with a
3 child restraint system suitable for the child's size and shall be properly fastened into such child restraint
4 system which is in a seating position which is equipped with a safety belt or other means to secure said
5 system according to the manufacturer's instructions. It is the responsibility of the driver transporting
6 children, subject to the requirements of this section, to ensure that such children are provided with and
7 that they properly use a child restraining system.
8

9 (c) If the child is less than one year of age and weighs less than twenty pounds, the child shall be
10 properly restrained in a rear-facing child restraint system in a rear seat of the vehicle. No person shall
11 use a safety belt or child restraint system for children four (4) years of age and under in a motor vehicle
12 unless it conforms to all applicable federal motor vehicle safety standards.
13

14 (d) If the child is one year of age or older, but less than four years of age, and weighs less than forty
15 pounds, but at least twenty pounds, the child shall be properly restrained in a rear-facing or forward-
16 facing child restraint system.
17

18 (e) Unless excepted pursuant to subsection (g) of this section, every child who is at least eight years
19 of age but less than sixteen years of age who is being transported in this city in a motor vehicle or in a
20 vehicle operated by a child care center, shall be properly restrained in a safety belt or child restraint
21 system according to the manufacturer's instructions.
22

23 (f) If a parent is in the motor vehicle, it is the responsibility of the parent to ensure that his or her
24 child or children are provided with and that they properly use a child restraint system or safety belt
25 system. If a parent is not in the motor vehicle, it is the responsibility of the driver transporting a child or
26 children, subject to the requirements of this section, to ensure that such children are provided with and
27 that they properly use a child restraint system or safety belt system.
28

29 (g) Except as provided in section C.R.S. 42-2-105.5(4), subsections (b),(c),(d),(e) and (f) of this
30 section does not apply to a child who:
31

32 (1) Is less than eight years of age and is being transported in a motor vehicle as a
33 result of a medical or other life-threatening emergency and a child restraint system is not
34 available.
35

36 (2) Is being transported by a commercial motor vehicle, as defined in C.R.S. 42-2-
37 402(4)(a), that is operated by a child care center.
38

39 (3) Is the driver of a motor vehicle and is subject to the safety belt requirements
40 provided in D.R.M.C. 54-240.
41

42 (4) Is being transported in a motor vehicle that is operated in the business of
43 transporting persons for compensation or hire by or on behalf of a common carrier or a

1 contract carrier as those terms are defined in C.R.S. 40-10.1-101, or an operator of a
2 luxury limousine service as defined in C.R.S. 40-10.1-301.
3

4 COMMITTEE APPROVAL DATE: October 10, 2013 by consent

5 MAYOR-COUNCIL DATE: October 15, 2013

6 PASSED BY THE COUNCIL _____ 2013

7 _____ - PRESIDENT

8 APPROVED: _____ - MAYOR _____ 2013

9 ATTEST: _____ - CLERK AND RECORDER,
10 EX-OFFICIO CLERK OF THE
11 CITY AND COUNTY OF DENVER
12

13 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2013; _____ 2013

14 PREPARED BY: Michael J. Joyce, Assistant City Attorney - DATE: October 17, 2013

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16 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
17 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
18 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
19 3.2.6 of the Charter.
20

21
22 Douglas J. Friednash, Denver City Attorney

23
24 BY: _____, Assistant City Attorney DATE: _____, 2013