

## Chapter Trans 310

### CHILD RESTRAINT STANDARDS AND EXEMPTIONS

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**Trans 310.01 Purpose and scope. (1)** STATUTORY AUTHORITY. As authorized by s. 347.48 (4), Stats., the purpose of this chapter is to establish standards and specifications for child safety restraint systems in motor vehicles, and to delineate exceptions to their use. This chapter references federal standards applicable to child safety restraint systems and addresses the proper manner of wearing the restraints.

**(2) APPLICABILITY.** This chapter applies to the use of safety restraint systems or safety belts by children under the age of 8, being transported in a motor vehicle. The term motor vehicle includes, but is not limited to, automobiles, station wagons, vans, trucks and motor homes.

**History:** Cr. Register, February, 1983, No. 326, eff. 3-1-83; am. Register, February, 1985, No. 350, eff. 3-1-85; am. (2), Register, April, 1996, No. 484, eff. 5-1-96.

**Trans 310.02 Definitions.** Along with words and phrases as defined in s. 340.01, Stats., the following definitions shall apply in the interpretation of this chapter:

**(1)** “Child safety restraint system” means a device meeting or exceeding federal motor vehicle safety standard number 213, and which restrains the body of a child in a motor vehicle.

**(2)** “Properly restrained” means fastened in a manner prescribed by the manufacturer of a child restraint system.

**(3)** “Safety belt” means a seat belt or a seat belt combined with a shoulder harness meeting federal motor vehicle safety standard number 208, and which is designed to restrain the body of a person in a motor vehicle.

**History:** Cr. Register, February, 1983, No. 326, eff. 3-1-83; am. (1), r. and recr. (4), Register, February, 1985, No. 350, eff. 3-1-85; r. (4), Register, April, 1996, No. 484, eff. 5-1-96.

**Trans 310.03 Adoption of standards.** Pursuant to s. 227.21, Stats., the attorney general and the legislative reference bureau have consented to the incorporation by reference of the following standards. Copies of the standards are on file in the offices of the department of transportation, the secretary of state and the legislative reference bureau. Copies may be purchased from the U.S. superintendent of documents, government printing office, Washington, D.C. 20402.

**(1)** Federal Motor Vehicle Safety Standard 213

**(2)** Federal Motor Vehicle Safety Standard 208

**History:** Cr. Register, February, 1983, No. 326, eff. 3-1-83; am. (intro.), Regis-

ter, April, 1996, No. 484, eff. 5-1-96; correction in (intro.) made under s. 13.92 (4) (b) 6., Stats., Register March 2012 No. 675.

**Trans 310.04 Provisions for use. (1)** No person subject to the provisions of s. 347.48 (2m) (c) and (4) (am), Stats., may transport a child under the age of 4 in a motor vehicle unless the child is properly restrained in a child safety restraint system.

**(2)** No person subject to the provisions of s. 347.48 (2m) (c) and (4) (as) 4., Stats., may transport a child who is at least 4 years old but less than 8 years old in a motor vehicle unless the child is properly restrained in a child safety restraint system or a safety belt.

**Note:** A Family Shopping Guide to Infant/Child Automobile Safety Seats is available for distribution at the following locations: Office of Transportation Safety, P.O. Box 7910, Madison, WI 53707; All State Patrol Region Headquarters; All Driver Licensing Examination Stations.

**History:** Cr. Register, February, 1983, No. 326, eff. 3-1-83; am. Register, February, 1985, No. 350, eff. 3-1-85; am. Register, April, 1996, No. 484, eff. 5-1-96; corrections made under s. 13.92 (4) (b) 7., Stats., Register March 2012 No. 675.

**Trans 310.05 Exemptions. (1)** A child who, because of a medical condition, body size or a physical disability, is incapable of being transported in a child safety restraint system, may be transported without a safety restraint system or safety belt providing:

(a) A typewritten statement by a licensed physician attests to the fact that the child may not, in the opinion of the physician, be safely transported in a child safety restraint system or safety belt.

(b) The statement in par. (a) is dated not more than one year previously.

(c) The statement in par. (a) is on the physician’s letterhead or contains a typewritten name, address and telephone number of the physician.

(d) The physician’s statement shall be carried in the vehicle transporting the child.

**(2)** A child being transported in an emergency vehicle, when the vehicle is being operated in the performance of official duties, may be transported without a child safety restraint system or safety belt when the physical or medical needs of the child make safety restraint unreasonable.

**History:** Cr. Register, February, 1983, No. 326, eff. 3-1-83; am. (1) (intro.) and (a) and cr. (2), Register, February, 1985, No. 350, eff. 3-1-85; am. (1) (intro.), Register, April, 1996, No. 484, eff. 5-1-96.