

Calendar No. 317

107TH CONGRESS
2^D SESSION

S. 980

[Report No. 107-137]

To provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 26, 2001

Mr. FITZGERALD (for himself, Mr. DORGAN, Mr. MCCAIN, Mrs. HUTCHISON, Ms. SNOWE, Ms. LANDRIEU, Mr. KERRY, Mr. DURBIN, Mr. DEWINE, and Mrs. CARNAHAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

FEBRUARY 14, 2002

Reported by Mr. HOLLINGS, with an amendment in the nature of a substitute
[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To provide for the improvement of the safety of child restraints in passenger motor vehicles, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Child Passenger Pro-
3 tection Act of 2001”.

4 **SEC. 2. IMPROVEMENT OF SAFETY OF CHILD RESTRAINTS**
5 **IN PASSENGER MOTOR VEHICLES.**

6 (a) **IN GENERAL.**—Not later than 12 months after
7 the date of the enactment of this Act, the Secretary of
8 Transportation shall initiate a rulemaking proceeding to
9 establish a safety standard for booster seats used in pas-
10 senger motor vehicles. The standard shall apply to any
11 child occupant of a passenger motor vehicle for whom a
12 booster seat, used in combination with an adult seat belt,
13 is an appropriate form of child restraint.

14 (b) **ELEMENTS FOR CONSIDERATION.**—In the rule-
15 making proceeding required by subsection (a), the Sec-
16 retary shall—

17 (1) consider whether or not to establish injury
18 performance criteria for children under the safety
19 standard to be established in the rulemaking pro-
20 ceeding;

21 (2) consider whether or not to establish seat
22 belt positioning performance requirements for boost-
23 er seats;

24 (3) consider whether or not to establish a sepa-
25 rate Federal motor vehicle safety standard for boost-
26 er seats or incorporate booster seat requirements

1 into an existing Federal motor vehicle safety stand-
 2 ard; and

3 (4) review the definition of the term “booster
 4 seat”, as that term is defined in Standard No. 213,
 5 set forth in section 571.213 of title 49, Code of Fed-
 6 eral Regulations, to determine if it is sufficiently
 7 comprehensive.

8 (c) COMPLETION.—The Secretary shall complete the
 9 rulemaking proceeding required by subsection (a) not later
 10 than 24 months after the date of the enactment of this
 11 Act.

12 **SEC. 3. REPORT ON DEVELOPMENT OF CRASH TEST**
 13 **DUMMY SIMULATING A 10-YEAR OLD CHILD.**

14 Not later than 60 days after the date of the enact-
 15 ment of this Act, the Secretary of Transportation shall
 16 submit to the Committee on Commerce, Science, and
 17 Transportation of the Senate and the Commerce of the
 18 House of Representatives a report on the current schedule
 19 and status of activities of the Department of Transpor-
 20 tation to develop and certify a dummy that simulates a
 21 10-year old child for use in testing the effectiveness of
 22 child restraints used in passenger motor vehicles.

1 **SEC. 4. REGULATIONS ON MANDATORY USE OF LAP AND**
 2 **SHOULDER BELTS.**

3 (a) **IN GENERAL.**—Not later than 24 months after
 4 the date of the enactment of this Act, the Secretary of
 5 Transportation shall complete a rulemaking proceeding to
 6 amend Standard No. 208, set forth in section 571.208 of
 7 title 49, Code of Federal Regulations, in order to—

8 (1) require each seat belt assembly in the rear
 9 seats of a passenger motor vehicle to be a lap and
 10 shoulder belt assembly; and

11 (2) apply that requirement to passenger motor
 12 vehicles beginning after the production year in which
 13 the regulations are prescribed in compliance with the
 14 implementation schedule under subsection (b).

15 (b) **IMPLEMENTATION SCHEDULE.**—The requirement
 16 prescribed under subsection (a)(1) may be implemented
 17 through a phase-in schedule prescribed by the Secretary
 18 which schedule may be similar to the phase-in schedule
 19 set forth in paragraph S.14.1.1 of section 571.208 of title
 20 49, Code of Federal Regulations, except that the require-
 21 ment shall apply to not less than—

22 (1) 50 percent of a manufacturer's production
 23 of passenger motor vehicles for the first production
 24 year to which the requirement applies;

1 ~~(2)~~ 80 percent of a manufacturer's production
 2 of passenger motor vehicles for the second produc-
 3 tion year to which the requirement applies; and

4 ~~(3)~~ 100 percent of a manufacturer's production
 5 of passenger motor vehicles for the third production
 6 year to which the requirement applies.

7 **SEC. 5. TWO-YEAR EXTENSION OF OCCUPANT PROTECTION**
 8 **INCENTIVE GRANTS PROGRAM.**

9 Section ~~2003~~(b)(7) of the Transportation Equity Act
 10 for the 21st Century (~~23~~ U.S.C. 405 note; 112 Stat. 328)
 11 is amended by striking “and 2001” and inserting
 12 “through 2003”

13 **SEC. 6. INCENTIVE GRANTS FOR USE OF SAFETY BELTS**
 14 **AND CHILD RESTRAINT SYSTEMS BY CHIL-**
 15 **DREN.**

16 (a) ~~IN GENERAL.~~—Subchapter H of chapter 301 of
 17 title 49, United States Code, is amended by adding at the
 18 end the following:

19 **“§ 30128. Grant program for improving child occu-**
 20 **pant safety programs**

21 “(a) ~~AUTHORITY TO MAKE GRANTS.~~—

22 “(1) ~~IN GENERAL.~~—The Secretary of Transpor-

23 tation may make grants under this section as fol-

24 lows:

1 “(A) A basic grant to any State that en-
2 acts a child restraint law by October 1, 2003.

3 “(B) A supplemental grant to any State
4 described by subparagraph (A) if the child re-
5 straint law concerned is an enhanced child re-
6 straint law.

7 “(2) LIMITATION ON NUMBER OF GRANTS IN
8 ANY STATE FISCAL YEAR.—Not more than one grant
9 may be made to a State under this section in any
10 given fiscal year of the State.

11 “(3) COMMENCEMENT.—The authority of the
12 Secretary to make grants under this section shall
13 commence on October 1, 2003.

14 “(b) AMOUNT OF GRANTS.—

15 “(1) BASIC GRANT.—The amount of a basic
16 grant made to a State under this section shall be
17 equal to two times the amount received by the State
18 under section 2003(b)(7) of the Transportation Eq-
19 uity Act for the 21st Century (23 U.S.C. 405 note)
20 in fiscal year 2003.

21 “(2) SUPPLEMENTAL GRANT.—The amount of
22 any supplemental grant made to a State under this
23 section shall be equal to three times the amount re-
24 ceived by the State under section 2003(b)(7) of that
25 Act in fiscal year 2003.

1 “(c) USE OF GRANT FUNDS.—A State shall use any
 2 amount received by the State under this section only to
 3 enhance the safety of child occupants of passenger motor
 4 vehicles.

5 “(d) DEFINITIONS.—In this section:

6 “(1) CHILD RESTRAINT LAW.—The term ‘child
 7 restraint law’ means a State law that prescribes a
 8 penalty for operating a passenger motor car (as de-
 9 fined in section 30127(a)(3) of this title) in which
 10 any occupant of the car who is under the age of 16
 11 years is not properly restrained by a safety belt or
 12 otherwise properly secured in a child restraint sys-
 13 tem that meets applicable Federal motor vehicle
 14 safety standards prescribed by the National High-
 15 way Traffic Safety Administration.

16 “(2) ENHANCED CHILD RESTRAINT LAW.—The
 17 term ‘enhanced child restraint law’ means a child re-
 18 straint law that prescribes a separate or additional
 19 penalty for operating a passenger car unless all of
 20 the vehicle occupants for whom a booster seat, used
 21 in combination with an adult seat belt, is an appro-
 22 priate form of child restraint, are properly using a
 23 child restraint system that meets applicable Federal
 24 motor vehicle safety standards prescribed by the Na-
 25 tional Highway Traffic Safety Administration.”.

1 (b) ~~CLERICAL AMENDMENT.~~—The table of sections
 2 at the beginning of that chapter is amended by inserting
 3 after the item relating to section 30127 the following new
 4 item:

“30128. Grant program for improving child occupant safety programs.”.

5 **SEC. 7. DEFINITIONS.**

6 In this Act:

7 (1) ~~CHILD RESTRAINT.~~—The term “child re-
 8 straint” means a specially designed seating system
 9 (including booster seats and child safety seats) that
 10 meets applicable Federal motor vehicle safety stand-
 11 ards prescribed by the National Highway Traffic
 12 Safety Administration.

13 (2) ~~MANUFACTURER.~~—The term “manufac-
 14 turer” has the meaning given that term by section
 15 30102(a)(5) of title 49, United States Code.

16 (3) ~~MOTOR VEHICLE.~~—The term “motor vehi-
 17 cle” has the meaning given that term by section
 18 30102(a)(6) of title 49, United States Code.

19 (4) ~~PASSENGER MOTOR VEHICLE.~~—The term
 20 “passenger motor vehicle” means—

21 (A) a “passenger car” as defined in section
 22 30127(a)(3) of title 49, United States Code;
 23 and

1 ~~(B)~~ a “multipurpose passenger vehicle” as
 2 defined in section ~~30127(a)(2)~~ of title 49,
 3 United States Code.

4 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

5 There is authorized to be appropriated to the Sec-
 6 retary of Transportation such sums as may be necessary
 7 to carry out this Act, including the making of grants
 8 under section ~~30128~~ of title 49, United States Code, as
 9 added by section ~~6~~.

10 **SECTION 1. SHORT TITLE.**

11 *This Act may be cited as the “Anton’s Law”.*

12 **SEC. 2. IMPROVEMENT OF SAFETY OF CHILD RESTRAINTS**
 13 **IN PASSENGER MOTOR VEHICLES.**

14 (a) *IN GENERAL.*—Not later than 12 months after the
 15 date of the enactment of this Act, the Secretary of Transpor-
 16 tation shall initiate a rulemaking proceeding to establish
 17 performance requirements for child restraints, including
 18 booster seats, for the restraint of children weighing more
 19 than 50 pounds.

20 (b) *ELEMENTS FOR CONSIDERATION.*—In the rule-
 21 making proceeding required by subsection (a), the Secretary
 22 shall—

23 (1) *consider whether to include injury perform-*
 24 *ance criteria for child restraints, including booster*
 25 *seats and other products for use in passenger motor*

1 *vehicles for the restraint of children weighing more*
 2 *than 40 pounds, under the requirements established in*
 3 *the rulemaking proceeding;*

4 *(2) consider whether to establish performance re-*
 5 *quirements for seat belt fit when used with booster*
 6 *seats and other belt guidance devices;*

7 *(3) consider whether to develop a solution for*
 8 *children weighing more than 40 pounds who only*
 9 *have access to seating positions with lap belts, such*
 10 *as allowing tethered child restraints for such children;*
 11 *and*

12 *(4) review the definition of the term “booster*
 13 *seat” in Federal motor vehicle safety standard No.*
 14 *213 under section 571.213 of title 49, Code of Federal*
 15 *Regulation, to determine if it is sufficiently com-*
 16 *prehensive.*

17 *(c) COMPLETION.—The Secretary shall complete the*
 18 *rulemaking proceeding required by subsection (a) not later*
 19 *than 30 months after the date of the enactment of this Act.*

20 **SEC. 3. REPORT ON DEVELOPMENT OF CRASH TEST DUMMY**
 21 **SIMULATING A 10-YEAR OLD CHILD.**

22 *Not later than 120 days after the date of the enactment*
 23 *of this Act, the Secretary of Transportation shall submit*
 24 *to the Committee on Commerce, Science, and Transpor-*
 25 *tation of the Senate and the U.S. House of Representatives*

1 *Committee on Energy and Commerce a report on the cur-*
 2 *rent schedule and status of activities of the Department of*
 3 *Transportation to develop, evaluate, and certify a commer-*
 4 *cially available dummy that simulates a 10-year old child*
 5 *for use in testing the effectiveness of child restraints used*
 6 *in passenger motor vehicles.*

7 **SEC. 4. REQUIREMENTS FOR INSTALLATION OF LAP AND**
 8 **SHOULDER BELTS.**

9 (a) *IN GENERAL.*—Not later than 24 months after the
 10 date of the enactment of this Act, the Secretary of Transpor-
 11 tation shall complete a rulemaking proceeding to amend
 12 Federal motor vehicle safety standard No. 208 under section
 13 571.208 of title 49, Code of Federal Regulations, relating
 14 to occupant crash protection, in order to—

15 (1) *require a lap and shoulder belt assembly for*
 16 *each rear designated seating position in a passenger*
 17 *motor vehicle with a gross vehicle weight rating of*
 18 *10,000 pounds or less, except that if the Secretary de-*
 19 *termines that installation of a lap and shoulder belt*
 20 *assembly is not practicable for a particular des-*
 21 *ignated seating position in a particular type of pas-*
 22 *senger motor vehicle, the Secretary may exclude the*
 23 *designated seating position from the requirement; and*
 24 (2) *apply that requirement to passenger motor*
 25 *vehicles in phases in accordance with subsection (b).*

1 (b) *IMPLEMENTATION SCHEDULE.*—*The requirement*
 2 *prescribed under subsection (a)(1) shall be implemented in*
 3 *phases on a production year basis beginning with the pro-*
 4 *duction year that begins not later than 12 months after the*
 5 *end of the year in which the regulations are prescribed*
 6 *under subsection (a). The final rule shall apply to all pas-*
 7 *senger motor vehicles with a gross vehicle weight rating of*
 8 *10,000 pounds or less that are manufactured in the third*
 9 *production year of the implementation phase-in under the*
 10 *schedule.*

11 (c) *REPORT ON DETERMINATION TO EXCLUDE.*—

12 (1) *REQUIREMENT.*—*If the Secretary determines*
 13 *under subsection (a)(1) that installation of a lap and*
 14 *shoulder belt assembly is not practicable for a par-*
 15 *ticular designated seating position in a particular*
 16 *type of motor vehicle, the Secretary shall submit to*
 17 *the Committee on Commerce, Science, and Transpor-*
 18 *tation of the Senate and the U.S. House of Represent-*
 19 *atives Committee on Energy and Commerce a report*
 20 *specifying the reasons for the determination.*

21 (2) *DEADLINE.*—*The report under paragraph (1)*
 22 *shall be submitted, if at all, not later than 30 days*
 23 *after the date on which the Secretary issues a final*
 24 *rule under subsection (a).*

1 **SEC. 5. TWO-YEAR EXTENSION OF CHILD PASSENGER PRO-**
 2 **TECTION EDUCATION GRANTS PROGRAM.**

3 *Section 2003(b)(7) of the Transportation Equity Act*
 4 *for the 21st Century (23 U.S.C. 405 note; 112 Stat. 328)*
 5 *is amended by striking “and 2001.” and inserting “through*
 6 *2003.”*

7 **SEC. 6. GRANTS FOR IMPROVING CHILD PASSENGER SAFE-**
 8 **TY PROGRAMS.**

9 *(a) IN GENERAL.—Chapter 4 of title 23, United States*
 10 *Code, is amended by adding at the end the following new*
 11 *section:*

12 **“§412. Grant program for improving child passenger**
 13 **safety programs**

14 *“(a) STANDARDS AND REQUIREMENTS REGARDING*
 15 *CHILD RESTRAINT LAWS.—Not later than October 1, 2002,*
 16 *the Secretary shall establish appropriate criteria applicable*
 17 *to child restraint laws for purposes of eligibility for grants*
 18 *under this section. The criteria shall be consistent with the*
 19 *provisions of Anton’s Law.*

20 *“(b) REQUIREMENT TO MAKE GRANTS.—*

21 *“(1) IN GENERAL.—The Secretary shall make a*
 22 *grant to each State and Indian tribe that, as deter-*
 23 *mined by the Secretary, has a child restraint law in*
 24 *effect on September 30, 2004.*

1 “(2) *LIMITATION ON NUMBER OF GRANTS.*—Not
2 *more than one grant may be made to a State or In-*
3 *dian tribe under this section.*

4 “(3) *COMMENCEMENT.*—*The requirement in*
5 *paragraph (1) shall commence on October 1, 2004.*

6 “(c) *GRANT AMOUNT.*—*The amount of the grant to a*
7 *State or Indian tribe under this section shall be the amount*
8 *equal to five times the amount provided to the State or In-*
9 *dian tribe, as the case may be, under section 2003(b)(7)*
10 *of the Transportation Equity Act for the 21st Century (23*
11 *U.S.C. 405 note) in fiscal year 2003.*

12 “(d) *USE OF GRANT AMOUNTS.*—

13 “(1) *IN GENERAL.*—*A State or Indian tribe shall*
14 *use any amount received by the State or Indian tribe,*
15 *as the case may be, under this section to carry out*
16 *child passenger protection programs for children*
17 *under the age of 16 years, including programs for*
18 *purposes as follows:*

19 “(A) *To educate the public concerning the*
20 *proper use and installation of child restraints,*
21 *including booster seats.*

22 “(B) *To train and retain child passenger*
23 *safety professionals, police officers, fire and*
24 *emergency medical personnel, and educators con-*
25 *cerning all aspects of the use of child restraints.*

1 “(C) *To provide child restraint systems, in-*
 2 *cluding booster seats and the hardware needed*
 3 *for their proper installation, to families that*
 4 *cannot otherwise afford such systems.*

5 “(D) *To support enforcement of the child re-*
 6 *straint law concerned.*

7 “(2) *LIMITATION ON FEDERAL SHARE.—The*
 8 *Federal share of the cost of a program under para-*
 9 *graph (1) that is carried out using amounts from a*
 10 *grant under this section may not exceed 80 percent of*
 11 *the cost of the program.*

12 “(e) *ADMINISTRATIVE EXPENSES.—The amount of ad-*
 13 *ministrative expenses under this section in any fiscal year*
 14 *may not exceed the amount equal to five percent of the*
 15 *amount available for making grants under this section in*
 16 *the fiscal year.*

17 “(f) *APPLICABILITY OF CHAPTER 1.—The provisions*
 18 *of section 402(d) of this title shall apply to funds authorized*
 19 *to be appropriated to make grants under this section as if*
 20 *such funds were highway safety funds authorized to be ap-*
 21 *propriated to carry out section 402 of this title.*

22 “(g) *DEFINITIONS.—In this section:*

23 “(1) *CHILD RESTRAINT LAW.—The term ‘child*
 24 *restraint law’ means a law that—*

1 “(A) satisfies standards established by the
 2 Secretary under Anton’s Law for the proper re-
 3 straint of children who are over the age of 3
 4 years or who weigh at least 40 pounds;

5 “(B) prescribes a penalty for operating a
 6 passenger motor vehicle in which any occupant
 7 of the vehicle who is under the age of 16 years
 8 is not properly restrained in an appropriate re-
 9 straint system (including seat belts, booster seats
 10 used in combination with seat belts, or other
 11 child restraints); and

12 “(C) meets any criteria established by the
 13 Secretary under subsection (a) for purposes of
 14 this section.

15 “(2) *PASSENGER MOTOR VEHICLE*.—The term
 16 ‘passenger motor vehicle’ has the meaning given that
 17 term in section 405(f)(5) of this title.

18 “(3) *STATE*.—The term ‘State’ has the meaning
 19 given in section 101 of this title and includes any
 20 Territory or possession of the United States.”.

21 (b) *CLERICAL AMENDMENT*.—The table of sections at
 22 the beginning of that chapter is amended by inserting after
 23 the item relating to section 411 the following new item:

 “412. Grant program for improving child passenger safety programs.”.

24 **SEC. 7. DEFINITIONS.**

25 *In this Act:*

1 (1) *CHILD RESTRAINT*.—The term “child re-
2 straint” means any product designed to provide re-
3 straint to a child (including booster seats and other
4 products used with a lap and shoulder belt assembly)
5 that meets applicable Federal motor vehicle safety
6 standards prescribed by the National Highway Traf-
7 fic Safety Administration.

8 (2) *PRODUCTION YEAR*.—The term “production
9 year” means the 12-month period between September
10 1 of a year and August 31 of the following year.

11 (3) *PASSENGER MOTOR VEHICLE*.—The term
12 “passenger motor vehicle” has the meaning given that
13 term in section 405(f)(5) of title 23, United States
14 Code.

15 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated to the Sec-
17 retary of Transportation such sums as may be necessary
18 to carry out this Act, including the making of grants under
19 section 412 of title 23, United States Code, as added by
20 section 6.

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