

**[STAFF WORKING DRAFT]**

AUGUST 3, 2001

107TH CONGRESS  
1ST SESSION

**S. 980**

**[Report No. 107— ]**

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

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IN THE SENATE OF THE UNITED STATES

MAY 26, 2001

Mr. FITZGERALD (for himself and Mr. DORGAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER —, 2001

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]

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**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                   **[ORIGINAL TEXT OMITTED]**

2    **SECTION 1. SHORT TITLE.**

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

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

6           (a) *IN GENERAL.*—*Not later than 12 months after the*  
7 *date of the enactment of this Act, the Secretary of Transpor-*  
8 *tation shall initiate a rulemaking proceeding to establish*  
9 *performance requirements for child restraints, including*  
10 *booster seats, for the restraint of children weighing more*  
11 *than 50 pounds.*

12          (b) *ELEMENTS FOR CONSIDERATION.*—*In the rule-*  
13 *making proceeding required by subsection (a), the Secretary*  
14 *shall—*

15               (1) *consider whether to include injury perform-*  
16 *ance criteria for child restraints, including booster*  
17 *seats and other products for use in passenger motor*  
18 *vehicles for the restraint of children weighing more*  
19 *than 40 pounds, under the requirements established in*  
20 *the rulemaking proceeding;*

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

24               (3) *consider whether to develop a solution for*  
25 *children weighing more than 40 pounds who only*  
26 *have access to seating positions with lap belts, such*

1       *as allowing tethered child restraints for such children;*  
2       *and*

3             (4) *review the definition of the term “booster*  
4       *seat” in Federal motor vehicle safety standard No.*  
5       *213 under section 571.213 of title 49, Code of Federal*  
6       *Regulation, to determine if it is sufficiently com-*  
7       *prehensive.*

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

11       **SEC. 3. REPORT ON DEVELOPMENT OF CRASH TEST DUMMY**

12                             **SIMULATING A 10-YEAR OLD CHILD.**

13       *Not later than 120 days after the date of the enactment*  
14       *of this Act, the Secretary of Transportation shall submit*  
15       *to the Committee on Commerce, Science, and Transpor-*  
16       *tation of the Senate and the Commerce of the House of Rep-*  
17       *resentatives a report on the current schedule and status of*  
18       *activities of the Department of Transportation to develop,*  
19       *evaluate, and certify a commercially available dummy that*  
20       *simulates a 10-year old child for use in testing the effective-*  
21       *ness of child restraints used in passenger motor vehicles.*

22       **SEC. 4. REQUIREMENTS FOR INSTALLATION OF LAP AND**  
23                             **SHOULDER BELTS.**

24       (a) *IN GENERAL.*—*Not later than 24 months after the*  
25       *date of the enactment of this Act, the Secretary of Transpor-*

1 *tation shall complete a rulemaking proceeding to amend*  
2 *Federal motor vehicle safety standard No. 208 under section*  
3 *571.208 of title 49, Code of Federal Regulations, relating*  
4 *to occupant crash protection, in order to—*

5 *(1) require a lap and shoulder belt assembly for*  
6 *each rear designated seating position in a passenger*  
7 *motor vehicle with a gross vehicle weight rating of*  
8 *10,000 pounds or less, except that if the Secretary de-*  
9 *termines that installation of a lap and shoulder belt*  
10 *assembly is not practicable for a particular des-*  
11 *ignated seating position in a particular type of pas-*  
12 *senger motor vehicle, the Secretary may exclude the*  
13 *designated seating position from the requirement; and*

14 *(2) apply that requirement to passenger motor*  
15 *vehicles in phases in accordance with subsection (b).*

16 *(b) IMPLEMENTATION SCHEDULE.—The requirement*  
17 *prescribed under subsection (a)(1) shall be implemented in*  
18 *phases on a production year basis beginning with the pro-*  
19 *duction year that begins not later than 12 months after the*  
20 *end of the year in which the regulations are prescribed*  
21 *under subsection (a). The final rule shall apply to all pas-*  
22 *senger motor vehicles with a gross vehicle weight rating of*  
23 *10,000 pounds or less that are manufactured in the third*  
24 *production year of the implementation phase-in under the*  
25 *schedule.*

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

2                   (1) *REQUIREMENT.*—*If the Secretary determines*  
3                   *under subsection (a)(1) that installation of a lap and*  
4                   *shoulder belt assembly is not practicable for a par-*  
5                   *ticular designated seating position in a particular*  
6                   *type of motor vehicle, the Secretary shall submit to*  
7                   *the Committee on Commerce, Science, and Transpor-*  
8                   *tation of the Senate and the Committee on Commerce*  
9                   *of the House of Representatives a report specifying the*  
10                  *reasons for the determination.*

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

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

17            Section 2003(b)(7) of the Transportation Equity Act  
18    for the 21st Century (23 U.S.C. 405 note; 112 Stat. 328)  
19    is amended by striking “and 2001” and inserting “through  
20    2003”

21   **SEC. 6. GRANTS FOR IMPROVING CHILD PASSENGER SAFE-**  
22                                    **TY PROGRAMS.**

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

1    **“§412. Grant program for improving child passenger**  
2                            **safety programs**

3            “(a) *STANDARDS AND REQUIREMENTS REGARDING*  
4 *CHILD RESTRAINT LAWS.*—Not later than October 1, 2002,  
5 *the Secretary shall establish appropriate criteria applicable*  
6 *to child restraint laws for purposes of eligibility for grants*  
7 *under this section. The criteria shall be consistent with the*  
8 *provisions of the Child Passenger Protection Act of 2001.*

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

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

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

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

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

25            “(d) *USE OF GRANT AMOUNTS.*—

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

7                   “(A) *To educate the public concerning the*  
8                   *proper use and installation of child restraints,*  
9                   *including booster seats.*

10                   “(B) *To train and retain child passenger*  
11                   *safety professionals, police officers, fire and*  
12                   *emergency medical personnel, and educators con-*  
13                   *cerning all aspects of the use of child restraints.*

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

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

20           “(2) *LIMITATION ON FEDERAL SHARE.*—*The*  
21           *Federal share of the cost of a program under para-*  
22           *graph (1) that is carried out using amounts from a*  
23           *grant under this section may not exceed 80 percent of*  
24           *the cost of the program.*

1           “(e) *ADMINISTRATIVE EXPENSES.*—*The amount of ad-*  
2 *ministrative expenses under this section in any fiscal year*  
3 *may not exceed the amount equal to five percent of the*  
4 *amount available for making grants under this section in*  
5 *the fiscal year.*

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

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

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

14                   “(A) *satisfies standards established by the*  
15 *Secretary under the Child Passenger Protection*  
16 *Act of 2001 for the proper restraint of children*  
17 *who are over the age of 3 years or who weigh at*  
18 *least 40 pounds;*

19                   “(B) *prescribes a penalty for operating a*  
20 *passenger motor vehicle in which any occupant*  
21 *of the vehicle who is under the age of 16 years*  
22 *is not properly restrained in an appropriate re-*  
23 *straint system (including seat belts, booster seats*  
24 *used in combination with seat belts, or other*  
25 *child restraints); and*

1           “(C) meets any criteria established by the  
2           Secretary under subsection (a) for purposes of  
3           this section.

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

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

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

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

13          **SEC. 7. DEFINITIONS.**

14          *In this Act:*

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

22               (2) *PRODUCTION YEAR*.—The term “production  
23               year” means the 12-month period between September  
24               1 of a year and August 31 of the following year.

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

5   **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

6           *There is authorized to be appropriated to the Secretary*  
7           *of Transportation such sums as may be necessary to carry*  
8           *out this Act, including the making of grants under section*  
9           *412 of title 23, United States Code, as added by section*  
10          6.

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