



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number:	H. 3864	Signed by Governor on May 19, 2017
Author:	Bernstein	
Subject:	Child Passenger Restraint	
Requestor:	House of Representatives	
RFA Analyst(s):	Heineman	
Impact Date:	May 30, 2017	

Estimate of Fiscal Impact

	FY 2017-18	FY 2018-19
State Expenditure		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	0.00	0.00
State Revenue		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Local Expenditure	\$0	\$0
Local Revenue	\$0	\$0

Fiscal Impact Summary

This bill will have no state or local expenditure impact from the changes to child passenger restraint requirements.

Explanation of Fiscal Impact

Signed by Governor on May 19, 2017

State Expenditure

This bill changes the child passenger restraint requirements by increasing the age until which a child must be properly secured by a passenger restraint system from five years old to eight years old. Under current law, a child from birth to age one weighing less than 20 pounds, must be properly secured in a rear-facing safety seat that meets the standards prescribed by the National Highway Traffic Safety Administration (NHTSA). This bill amends this requirement to state that a child under the age of two must be secured in a rear-facing child passenger restraint system in a rear passenger seat of a vehicle until the child exceeds the height or weight limit allowed by the manufacturer of the child passenger restraint system being used.

Additionally, current law requires a child at least one year of age but less than six years of age who weighs at least 20 pounds but less than 40 pounds to be secured in a forward-facing child safety seat that meets the safety standards prescribed by the NHTSA. This requirement is amended, to state that a child at least two years of age or a child under two years of age who has outgrown their rear-facing child passenger restraint system must be secured in a forward-facing child passenger restraint system in a rear passenger seat of the vehicle until the child exceeds the highest height or weight requirement of their forward-facing child passenger restraint system.

Further, under current law, a child at least one year old but less than six years old who weighs at least 40 pounds but no more than 80 pounds must be secured by a belt-positioning booster seat. The belt-positioning booster seat must be used with both lap and shoulder belts. A booster seat must not be used with a lap belt alone. This bill amends this requirement to state that a child at least four years old who has outgrown their forward-facing child passenger restraint system seat must be secured by a belt-positioning booster seat in the rear seat of a vehicle until they can meet the height and fit requirements for an adult safety seat belt.

Additionally, under current law, if a child is at least one year of age but less than six years of age and weighs more than 80 pounds, the child may be restrained in an adult safety belt. If a child less than six years of age can sit with his or her back straight against the vehicle seat back cushion and with his or her knees bent over the vehicle's seat edge without slouching, the child may be seated in the regular back seat and secured by an adult safety belt. This requirement is amended to specify that a child at least eight years old and at least 57 inches tall may be restrained in an adult safety belt if the child can be secured properly by an adult safety seat belt.

Additionally, this bill deletes the provision that a child who is less than six years old must not occupy a front passenger seat of a vehicle. This bill allows a child with substantiated medical reasons to be transported in a child passenger safety restraint system designed for their medical needs. Further, if a vehicle lacks a rear passenger seat or if all its rear seating positions are occupied by children under eight years of age, a child under eight years of age may be transported in the front seat of the vehicle if he or she is secured properly in an appropriate child passenger seat for his size. Additionally, any portion of a recreational vehicle that is equipped with temporary living quarters shall be considered a rear passenger seat.

Fines and fees for violating child safety restraint provisions are not changed by this bill. A person who violates the child safety restraint provisions must be fined no more than \$150. This fine shall be waived for a person who supplies the court with evidence of purchase or rental of a child restraint system meeting the requirements of Section 56-5-6410 and 56-5-6420. Additionally, any violation of child safety restraints shall not constitute neglect or be admissible as evidence in any trial court for any civil action. Any person in violation of the child safety restraint provisions may be issued a summons to appear in court, but no person at any time shall be placed under arrest or taken into custody for such a violation, other than upon a warrant issued for failure to appear in court or failure to pay a fine imposed by the court upon conviction.

This bill will not materially alter the day to day operations of State law enforcement officials since they already enforce the current vehicle child safety restraint provisions. Therefore, this bill will not have an expenditure impact on the General Fund, Federal Funds, or Other Funds.

State Revenue

N/A

Local Expenditure

This bill does not operationally or fiscally impact local law enforcement officials since vehicle child safety restraint provisions are already enforced. In addition, this bill is not expected to

increase the number of cases handled by magistrate or municipal courts. Therefore, there will be no expenditure impact to local governments.

Local Revenue

N/A



Frank A. Rainwater, Executive Director