

239.70 FAILURE TO SECURE A CHILD IN A RESTRAINT SYSTEM.¹

NOTE WELL: No driver charged under this section for failure to have a child under five years of age properly secured in a restraint system shall be convicted if he produces at the time of his trial proof satisfactory to the court that he has subsequently acquired an approved child passenger restraint system.

NOTE WELL: If no seating position equipped with a lap and shoulder belt to properly secure the weight-appropriate child passenger restraint system is available, a child less than eight years of age and between 40 and 80 pounds may be restrained by a properly fitted lap belt only.

The defendant has been charged with failure to secure a child in a restraint system. For you to find the defendant responsible for this infraction, the State must prove the following four things beyond a reasonable doubt.

First, the defendant was the driver of a motor vehicle.

Second, that the defendant was transporting a child passenger who was under the age of eight years.

Third, that the child passenger weighed less than 80 pounds.

And Fourth, that the child passenger was not secured in a weight appropriate child passenger restraint system.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was the driver of a motor vehicle transporting a child passenger who was under the age of eight years and weighed less than 80 pounds, and that the passenger was not secured in a weight appropriate child passenger restraint system, it would be your duty to return a verdict of responsible for this infraction. If you do not so find, or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not responsible.

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FAILURE TO SECURE A CHILD IN A RESTRAINT SYSTEM.
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1. The provisions of this section shall not apply: (i) to ambulances or other emergency vehicles; (ii) when the child's personal needs are being attended to; (iii) if all seating positions equipped with child passenger restraint systems or seat belts are occupied; or (iv) to vehicles which are not required by federal law or regulation to be equipped with seat belts.