DIVISION OF CHILDREN AND FAMILY SERVICES

1 WEST WILSON STREET
P O BOX 8916
MADISON WI 53708-8916

Telephone: 608-267-3905
FAX: 608-266-6836
dhfs.wisconsin.gov

Jim Doyle
Governor

Helene Nelson
Secretary

State of Wisconsin

Department of Health and Family Services

Date: April 5, 2006

BRL Memo 2006 - 02

To: Group Child Care Center Licensees
Family Child Care Center Licensees
Day Camp Licensees
Residential Care Center Licensees
Shelter Care Licensees
Group Foster Home Licensees
Child Placing Agency Licensees

From: Jill D. Chase, Director
Bureau of Regulation and Licensing

RE: Child Safety Restraints, Booster Seats and Safety Belt Requirements

The Governor recently signed into law 2005 Wisconsin Act 106 which creates a tiered structure, according to age and size, of restraint requirements for transporting children under the age of eight in a motor vehicle.

Previously, children under age four years or 40 pounds were required to be properly restrained in a car safety seat. This new law expands the requirement for children who are between the ages of four and eight years old and requires restraint in a booster seat unless the child weighs more than 80 pounds or is taller than 57 inches.

These new requirements become effective on June 1, 2006 and apply to all programs that transport children including child care centers, day camps, residential child care centers, group foster homes, shelter care facilities and child placing agencies. These programs are required to comply with all applicable laws as set forth in; HFS 46.04(2)(a), HFS 45.04(2)(a), HFS 55.41 (1)(a), HFS 52.11(3)(b), HFS 57.015, HFS 59.01(5)(a) and HFS 56.08(4)(c). This new law applies to children in care as follows:

1. A child who is less than one year old or who weighs less than 20 pounds must be properly restrained in a rear-facing child safety seat in the back seat of the vehicle.
2. A child who is at least one year old and weighs at least 20 pounds but is less than four years old or weighs less than 40 pounds must be properly restrained in a forward-facing child safety seat in the back seat of the vehicle.
3. A child who is at least four years old but less than eight years old, weighs at least 40 but not more than 80 pounds, and is no more than 57 inches tall must be properly restrained in a "child booster seat".
4. A child who is under the age of eight who exceeds the weight or height limits specified in item 3 above must be properly restrained in a seat belt.

The following websites have information on booster seats:
National Highway Traffic Safety Administration – A parent's guide to buying and using booster seats.
http://www.nhtsa.dot.gov/people/injury/childps/ParentGuide2005/

Safe Kids USA – Frequently Asked Questions related to Car Safety
http://www.usa.safekids.org/tier3_cd.cfm?content_item_id=6551&folder_id=170

Please contact your licensing specialist or call (608) 266-9314 if you have questions.
C: Interested Parties
Bureau of Regulation and Licensing Staff