

**PART 1345—INCENTIVE GRANT  
CRITERIA FOR OCCUPANT PRO-  
TECTION PROGRAMS**

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AUTHORITY: Pub. L. 105-78; Pub. L. 109-59; 23 U.S.C. 405; delegation of authority at 49 CFR 1.50.

SOURCE: 63 FR 52597, Oct. 1, 1998, unless otherwise noted.

**§ 1345.1 Scope.**

This part establishes criteria, in accordance with 23 U.S.C. 405, for awarding incentive grants to States that adopt and implement effective programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or improperly restrained in motor vehicles.

[70 FR 69080, Nov. 14, 2005]

**§ 1345.2 Purpose.**

The purpose of this part is to implement the provisions of 23 U.S.C. 405 and to encourage States to adopt effective occupant protection programs.

[70 FR 69080, Nov. 14, 2005]

**§ 1345.3 Definitions.**

*Child restraint system* means child safety seat.

*Child safety seat* means any device (except safety belts) designed for use in a motor vehicle to restrain, seat, or position a child who weighs 50 pounds or less.

*First fiscal year* means the first fiscal year beginning after September 30, 2003.

*Minimum fine* means a total monetary penalty which may include fines, fees, court costs, or any other additional monetary assessments collected.

*Passenger motor vehicle* means a passenger car, pickup truck, van, minivan, or sport utility vehicle.

*State* means any of the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa or the Commonwealth of the Northern Mariana Islands.

*Subsequent fiscal years* means the second, third, fourth, fifth, or sixth fiscal year beginning after September 30, 2003.

*Targeted population* means a specific group of people chosen by a State to receive instruction on proper use of child restraint systems.

[63 FR 52597, Oct. 1, 1998, as amended at 66 FR 38918, July 26, 2001; 70 FR 69080, Nov. 14, 2005]

**§ 1345.4 General requirements.**

(a) *Qualification requirements.* To qualify for a grant under 23 U.S.C. 405, a State must, for each year it seeks to qualify:

(1) Submit an application to the appropriate NHTSA Regional Administrator demonstrating that it meets the requirements of § 1345.5 and include certifications that:

(i) It has an occupant protection program that meets the requirements of 23 U.S.C. 405;

(ii) It will use the funds awarded under 23 U.S.C. 405 only for the implementation and enforcement of occupant protection programs;

(iii) It will administer the funds in accordance with 49 CFR part 18 and OMB Circulars A-102 and A-87 and

(iv) It will maintain its aggregate expenditures from all other sources, except those authorized under Chapter 1 of Title 23 of the United States Code, for its occupant protection programs at or above the average level of such expenditures in fiscal years 2003 and 2004 (either State or federal fiscal year 2003 and 2004 can be used);

(2) After being informed by NHTSA that it is eligible for a grant, submit to the agency, within 30 days, a Program Cost Summary (HS Form 217) obligating the section 405 funds to occupant protection programs.

(3) The State's Highway Safety Plan, which is required to be submitted by September 1 of each year, pursuant to 23 U.S.C. 402 and 23 CFR 1200, should document how it intends to use the Section 405 grant funds.

(4) To qualify for grant funds in any fiscal year, the application must be received by the agency not later than February 15 of the fiscal year in which the State is applying for funds.