

Responsibilities of Health Departments and the Courts Regarding the California Child Restraint Law

Vehicle Code Section 27360

V.C. Section 27360 requires that children be properly secured in a child restraint (safety seat or booster), in the back seat, until they are at least eight years old. Exceptions: A child under age 8 who is at least 4'9" may be restrained in a safety belt if it fits properly. In an emergency vehicle or a life-threatening emergency, if no safety seat is available, a child under age 8 may be secured with a safety belt. Physical unfitness, medical condition, or size may be cause for exemption. Children over 40 lbs. may be transported in a lap belt if the back seat does not have a lap and shoulder belt.

Vehicle Code Section 27360.5

V.C. Section 27360.5 requires that children who are 8 years or older but under 16 be properly secured in a child restraint or a vehicle safety belt. (Note: if the shoulder belt is placed under the arm or behind the back, which is extremely dangerous, the parent or driver may be cited.)

Responsibilities of the County or City Health Department

- To provide a community program that includes child passenger safety education and helps economically disadvantaged families to obtain car seats at low cost or on loan. The health department may contract for implementation of the program.
- To designate a coordinator to facilitate the creation of a special account and develop a relationship with the court system to facilitate the transfer of funds to the program.
- To prepare, maintain and verify semi-annually a list of car seat distribution programs available in the county or city. The list is forwarded to the California Office of Traffic Safety, the courts, and specified health and social service agencies.

Responsibilities of the Courts

- To charge the full fine unless the violator shows the court proof of economic disadvantage. The law does not permit the violator to bring a car seat to court or attend an education program in lieu of the fine.
- To allocate the fine money collected for 27360 and 27360.5 to a special revenue fund that supports a program operated by the local city or county health department that provides education and low-cost car seats to needy families. According to the California State Controller, the fine money must be allocated to this special revenue fund, even if the violator attends Traffic Violator School to have the point removed from his or her record.
- To refer certain violators to a violator education program that provides certification that the defendant has presented for inspection a child restraint that meets federal safety standards. If the fine is reduced or waived, the court must require any violator cited for V.C. 27360 or 27360.5 to show proof of attendance. If the fine is paid in full, the court may require participation in the program.
- To charge one point for each violation of 27360 or 27360.5. The violation must be reported to the DMV, whether the fine is reduced, waived, or paid in full.

Fines

- The fine for failing to properly secure any child under age 16 is \$100 per child plus penalty assessments (almost \$500 total).
- The fine for a second or subsequent offense is \$250 plus penalty assessments (over \$1000).

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