

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, depending on the age and size of the child) until they are at least six years old or weigh 60 lbs. Only one of these criteria must be met. Exception: If the child weighs more than 40 pounds and is riding in the back seat of a vehicle with only lap belts in the back seat, the child may be secured in just a lap belt. (Note: most pre-1990 vehicles do not have shoulder belts in the back seat.)

Note: As of January 2005, children must ride in the back seat until they are at least 6 years old or weigh 60 lbs., with some exceptions.

Vehicle Code Section 27360.5

This section requires that children under 16 who are at least 6 years or 60 lbs. be properly secured in a child restraint or a vehicle safety belt. (Note: if the child places the shoulder belt 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. If the violator attends an education program approved by the court, the point may be removed from the driving record.

Fines

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

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