

Guidelines for Developing a Comprehensive Child Passenger Safety Law

These provisions are recommended:

- All children under age 16 are covered by the child passenger safety law rather than the adult safety belt law.
- Proper use of a child restraint system* is required for children under age 8 with specified exceptions.
- Proper use of a child restraint system* or vehicle safety belt is required for children age 8-15. Proper use of a safety belt is defined as follows:
 - The child's back is touching the vehicle seat back
 - The child's knees bend at the edge of the vehicle seat cushion
 - The vehicle belt crosses the shoulder between the neck and the arm
 - The lap belt is touching the child's upper legs
- Children under age 13 are required to sit in the back with specified exceptions.
- Enforcement officers may stop the vehicle if they suspect a violation (primary enforcement)
- Fine is equivalent to that for speeding or red light violation. Fine is increased for second offense.
- All convictions are reported to state department of motor vehicles, even if fine is waived.
- Fine may be reduced only for economic disadvantage; case is not dismissed if fine is waived or car seat is obtained.
- Violators are required participate in child passenger safety education program if fine is reduced and permitted to participate in such a program in lieu of traffic school if the full fine is paid.
- Mandated education program includes inspection of child restraint if violation is for child under age 8.
- Fine money is allocated to local programs that provide community education and distribution of low-cost seats to eligible families.

These exceptions are recommended:

- Any child who weighs more than 40 pounds may be transported in the back seat of a vehicle wearing just a lap belt if no seating position with a shoulder belt is available in the back seat.
- Child restraint use is not required in emergency vehicles or in life-threatening emergency. If child is at least one year old, the vehicle belt must be used.
- The court may exempt any child from restraint requirement due to physical unfitness, medical condition, or size. This exception applies only if an appropriate restraint system for children with special needs is not available.
- Exceptions for back seat requirement: the child restraint cannot be installed properly in back seat; all seating positions in back seat are occupied by other children under age 13. A child in a rear-facing restraint may not under any circumstances ride in a seating position with an active frontal air bag.

No exemption for:

- Additional passengers when all available belts are in use
- The back seat of any vehicle; cargo areas of station wagons, hatchbacks, or pickup trucks
- Attending to personal needs of child
- Out-of-state driver or vehicle

Why the requirement for child restraint use should not be based on height or weight:

- A child under 4'9" may fit well in a vehicle belt without a booster, depending on the depth of the vehicle seat, angle of the shoulder belt, and position of lap belt anchors.
- Heavier children do not necessarily fit in vehicle belts better; many children under 80 pounds are too wide to fit in a booster.
- Fit of shoulder belt and vehicle seat vary, depending on proportions of child and design of vehicle interior.

*Note: "Child restraint systems" include belt-positioning booster seats.

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