

Summary of California Occupant Protection Laws

Restraint Laws For Children Under 16 (Vehicle Code Sections 27360-27368)

A **driver** who is transporting a child in a passenger vehicle (including housecar), motor truck, truck tractor, or three-wheeled vehicle is required to properly secure the child. If the **parent** is in the car, he or she is cited instead of the driver.

(V.C. 27360) **Children** must be properly secured **in the back seat** in a child restraint system (safety seat, booster, car bed, or harness) that meets federal standards **until they are at least 6 years old or 60 lbs.**

Exceptions to requirement for child restraint system: Children who weigh more than 40 lbs. may be transported in just a lap belt if the back seat of the vehicle does not have a combination lap and shoulder belt. In an emergency vehicle or in case of a life-threatening emergency, if there is no safety seat available, a child under 6 years and 60 lbs. may be secured with a vehicle safety belt. Physical unfitness, medical condition, or size may be cause for exemption, as determined by the court.

Exceptions to rear seat requirement: No forward-facing rear seat in vehicle; child restraint cannot be properly installed in rear seat; all rear seats are occupied by other children under age 12; medical reasons. An infant (riding in a rear-facing child restraint or under one year or less than 20 lbs.) may not ride in front if there is an active passenger air bag.

(V.C. 27360.5) **Children who are at least 6 years old or weigh at least 60 lbs.** and are under age 16 must be **properly** secured in either a child restraint system or a properly fitted safety belt.

Consequences for failing to properly restrain any child under age 16: The fine is \$100 plus penalty assessments.* Violators also receive one point on the driving record. The fine may be reduced or waived if the defendant proves economic disadvantage. If the fine is reduced or waived, the court **must** refer the defendant to a car seat education program and require proof of attendance. The court **may** require any violator of 27360 or 27360.5 to attend an education program which provides certification that the defendant has presented for inspection a child restraint that meets federal safety standards. The fine is \$250 plus penalty assessments* for a second or subsequent offense. At least 60% of the base fine is allocated to the local city or county health department for car seat education and distribution programs.

Car rental agencies are required to post a sign and to provide safety seats for rent by customers on request. The seats must be in good, safe condition, with no missing parts, and less than five years old (V.C. Section 27365).

Retailers/distributors may not sell car seats that do not conform to federal safety standards at the time of sale (V.C. 27362).

No person may sell a child restraint that was in use by a child during a crash (V.C. Section 27362.1).

Auto insurers are required to ask whether a child restraint was in use by a child in a covered crash and, if so, replace the child restraint or reimburse for its replacement. After it is replaced, the insured may surrender the child restraint to the nearest office of the California Highway Patrol. (Section 11580.011 of the Insurance Code)

Local health departments (county or city) must work with the courts to set up a community program that provides education and helps needy families obtain child restraints; they may contract for implementation of a program.

Clinics, birth centers, and health facilities must provide and discuss information about the current law at discharge (V.C. 27363.5) and must have a written policy specifying that safety education will be provided to parents of young children, including a summary of the law, a list of car seat distribution programs in the city or county, and information about the risk of death or injury to children who are not properly restrained (per Sections 1204.3, 1212, and 1268 of the California Health and Safety Code).

Day care centers must post signs with specified information at their entrances (per Section 1596.95 California Health and Safety Code).

Smoking restriction

Smoking in a vehicle is prohibited if a child under 18 is present. Consequences: The fine is \$100 plus penalty assessments.* [Health and Safety Code 118948(a)]

Law Prohibiting Unattended Children in Vehicles (Vehicle Code Section 15620)

No person may leave a child age 6 or younger in a vehicle if the health or safety of the child is at risk, the engine is running, or the keys are in the ignition. The child must be supervised by a person at least age 12. The fine is \$100 plus penalty assessments.*

Restraint Laws for Drivers and Adult Passengers (Vehicle Code Section 27315)

Drivers of passenger vehicles (including housecars), motor trucks, or truck tractors are required to wear safety belts properly and to have passengers 16 or older properly restrained by safety belts.

Passengers 16 or older are required to wear safety belts in all motor vehicles; they may be cited as well as the driver.

Owners of private passenger vehicles, limos, and taxicabs must maintain safety belts in good working order.

Consequences: \$20 fine plus penalty assessments* for first offense; \$50 plus penalty assessments* for subsequent offenses. The court may order attendance at a school in which proper use of safety belts is demonstrated in lieu of the fine.

Exceptions: Driver with certified medical condition, rural mail carrier, newspaper delivery person, trash truck operator, taxi driver with fare-paying passenger on city street, passenger in sleeper berth. Operators of limos, taxis, and emergency vehicles are responsible for restraining passengers 16 or older in the front seat only. Farm labor vehicles are not exempt (V.C. 31405).

Pickup Trucks (Vehicle Code Section 23116)

Drivers are prohibited from transporting any person in or on the back of a pickup or flatbed motor truck; any person riding in or on the back of the truck also may be cited.

Consequences: \$50 fine plus penalty assessments* and one point on the driving record.

Exceptions: This section does not apply if the person is secured with a restraint system which meets federal safety standards (no federal safety standard exists for anchorage of belts in cargo areas) or in an emergency response situation by a public agency. There is no exemption for passengers riding within an enclosed camper or camper shell.

Animals in Pickup Trucks (Vehicle Code Section 23117)

Animals must ride in an enclosed area or be restrained to prevent their ejection from the back of a truck. Exceptions: livestock and dogs used for ranching or farming. **Consequences:** \$50-\$100 fine plus penalty assessments.*

School Buses (Vehicle Code Section 27316)

All Type 2 school buses manufactured on or after July 1, 2004, and Type 1 school buses manufactured on or after July 1, 2005, and purchased or leased for use in California shall be equipped at all designated seating positions with a combination pelvic and upper torso passenger restraint system. No person or organization can be cited under this code, but California Department of Education requires their use, if present.

Motorcycle Helmets (Vehicle Code Section 27803)

All motorcycle riders must wear properly fitted safety helmets which conform to federal safety standards and are so labeled. Driver and passenger may be cited.

Helmets for Children (Vehicle Code Sections 21212, 21204)

Children under age 18 who are skating or riding on a bicycle, non-motorized scooter, or skateboard must wear a properly fitted and fastened helmet that meets specified safety standards. Helmets sold in California must conform to applicable standards and be so labeled.

Bicycle operators are prohibited from carrying passengers without a separate seat. For children who are either under four years old or under 40 pounds, the seat must include a restraint system and protection from moving parts of bicycle, and a properly fitted safety helmet must be used.

Consequences: The maximum fine is \$25; the case may be dismissed on a first offense. The money collected will be used for education and to assist low-income families to obtain helmets.

Used Air Bags (Vehicle Code Section 27317)

It is a misdemeanor punishable by a fine of \$5000 and/or one year in county jail to knowingly sell or install a previously deployed air bag.

Shoulder Belt Positioning Devices (Vehicle Code Section 27302)

“No person shall sell or offer for sale a seatbelt or attachments thereto for use in a vehicle unless it complies with requirements established by the department [California Department of Motor Vehicles].”

*Total fines vary. The total fine with penalty assessments is more than three times the base fine.

SafetyBeltSafe U.S.A. P.O. Box 553, Altadena, CA 91003 www.carseat.org 310/222-6860, 800/745-SAFE (English) 310/222-6862, 800/747-SANO (Spanish)

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