

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 8 years old**.

Exceptions to requirement for child restraint system: A child under age 8 who is at least 4'9" may be **properly** restrained in a safety belt. 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.

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 age 7 or under; medical reasons. A child in a rear-facing safety seat may not ride in front if there is an active passenger air bag.

(V.C. 27360.5) **Children who are at least 8 years old** 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: \$100 fine plus penalty assessments.* Violators also receive one point on driving record. Fine may be reduced or waived if defendant proves economic disadvantage. If fine is reduced or waived, court **must** refer defendant to education program and require proof of attendance. Fine is \$250 plus penalty assessments* for second or subsequent offense. At least 60% of base fine is allocated to 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 the vehicle during a covered crash. If a child was in the restraint or if it was damaged, the insurer must 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.

Health facilities, including clinics, birth centers, and hospitals, must provide and discuss information about the law regarding children under age 8 with parents at discharge and give contact information (Web site or phone number) for programs that provide safety seat inspection and installation (V.C. 27363.5). They also must have a written policy requiring that specified information be provided, 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). Hospitals may contact the California Highway Patrol for reproducible materials in English and Spanish.

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.

Proper use of a safety belt is defined as “the lower (lap) portion of the belt crosses the hips or upper thighs of the occupant and the upper (shoulder) portion of the belt, if present, crosses the chest in front of the occupant.”

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.

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 (\$5000 fine and/or one year in county jail) to modify a vehicle's computer system or air bag system or 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 fine with penalty assessments generally is approximately five times the base fine.

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