

# **Enforcing California Restraint Laws for Children**

## **Answers to Common Questions Asked by Law Enforcement Officers**

### **Q — Who is covered by the law?**

**A** — It is unlawful for any driver to transport a child under 16 in a passenger vehicle or truck (any motor vehicle other than a motorcycle or bus) without the protection of a properly used restraint system.

### **Q — When is a child restraint required?**

**A** — Children must ride in a properly secured child restraint system (safety seat, booster, or other certified product, such as a crash-tested car bed or harness) until they are at least six years old OR weigh 60 lbs. Exceptions: Children who weigh more than 40 lbs. may be transported in just a lap belt if the back seat of the vehicle was not equipped at the time of manufacture with combination lap and shoulder belts. In an emergency vehicle or in case of a life-threatening emergency, a child under 6 years and 60 lbs. may be secured with a vehicle safety belt if there is no safety seat available. Physical unfitness, medical condition, or size may be cause for exemption, as determined by the court. There are no exemptions for taxis or vehicles registered out of state. Under no circumstances may a child be transported unrestrained.

### **Q — When is a child required to ride in the back seat?**

**A** — Children are required to ride in the back seat until they are at least six years old OR weigh 60 lbs. Exceptions: 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.

### **Q — What is a booster seat and when is it legal for a child to use one?**

**A** — A booster seat is a firm cushion, with or without a backrest, that positions the lap and shoulder belt on the child. The minimum weight for a booster seat is 30-40 lbs., depending on the model, and the maximum weight is usually 80-100 lbs. The driver or parent may be cited for misuse if the child is under the minimum weight specified on the label or if a booster is used with just a lap belt (unless it is a shield booster, discontinued but not illegal). Booster seats were designed for children who have outgrown regular car seats, so parents should be encouraged to keep the child in a seat with a harness as long as it fits.

### **Q — When is it legal for a child to wear just a vehicle safety belt?**

**A** — Although a child who is at least age 6 or weighs at least 60 lbs. is not specifically required to ride in a booster, the law requires proper use of safety belts. Most children are not tall enough until at least age 8 to 10 for vehicle belts to fit properly without a booster. Examples of improper and dangerous use: shoulder belt under the arm or behind the back, lap belt on the tummy instead of the upper thighs.

### **Q — How can an officer quickly determine if there are unrestrained children in a moving vehicle?**

**A** — Concentrate on the obvious, easily-seen violations, such as infants riding on mothers' laps, toddlers standing up on the seat or hanging out the windows, and children riding unrestrained in the back of station wagons. These situations are not only easy to spot, but also extremely dangerous for the children.

**Q — Which Vehicle Code Sections should be used for unrestrained child passengers?**

**A —** If the child is under age 6 and also under 60 lbs., use 27360 (a) for the parent or, if the parent is not present, (b) for the driver. If the child is at least age 6 or weighs at least 60 lbs. but under 16, use 27360.5 (a) for the parent or (b) for the driver. If the parent is in the car, the driver is not cited. Do not use 27315 for children under age 16.

**Q — V.C. Sections 27360 specifies that child restraints must be used “properly.” How is proper use defined?**

**A —** Proper use is defined by the vehicle owner’s manual and child restraint manufacturer instruction booklet. Here are some examples of visible, improper use which are prohibited by all manufacturers. A citation or warning may be issued for these dangerous practices:

- Infant (under age one or riding in a rear-facing-only seat) facing front of car
- Infant riding in the front seat in a car with an active passenger air bag
- Baby too large for infant-only seat (head sticking up above top of seat)
- Harness straps missing or on arms instead of shoulders
- Loose harness (any visible slack)
- Crotch buckle not latched
- Safety belt or LATCH strap not attached, loose, or in wrong slot
- Booster used without shoulder belt

**Q — Is it legal to ride in the back of a pickup under a camper shell? What about extra passengers in a vehicle when all of the belts are already in use?**

**A —** No. All occupants must be properly restrained (no restraints that meet federal standards are available for the cargo area of a truck). The driver may be cited for violating the child restraint law and/or safety belt law, depending on the age and weight of the unrestrained occupants.

**Q — How much is the fine? May it be waived?**

**A —** The fine for violating V.C. Section 27360 or 27360.5 is \$100 plus penalty assessments, which adds up to almost \$400. A first offense under this section may be reduced or waived by the court only in case of economic disadvantage. If the fine is reduced, the court is mandated to require the violator to attend an education program. The fine for a second or subsequent offense is \$250 plus penalty assessments.

**Q — What can parents do if they believe they cannot afford to buy a safety seat?**

**A —** Most California counties have programs to help people obtain inexpensive safety seats, and officers can provide the number of a local group that might help. The fine money collected for child restraint violations goes to local health departments to help them provide community education and safety seats for low-income families. A safety seat costs about as much as one tank of gas and much less than a baby crib or a playpen. Whether a child comes from an affluent family or a poor one, he or she deserves to be protected from preventable death and injury.

<p><b>SafetyBeltSafe U.S.A.</b> P.O. Box 553, Altadena, CA 91003    <a href="http://www.carseat.org">www.carseat.org</a> 310/222-6860, 800/745-SAFE (English)    310/222-6862, 800/747-SANO (Spanish)</p>
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