



# Training Bulletin

SANTA BARBARA POLICE DEPARTMENT



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## CHP Child Safety Seats

### DISCUSSION POINTS –

#### **Properly buckling your children in before every trip in your car is critical.**

Thousands of children are injured or killed every year by safety seats that are improperly fastened by parents or caretakers. Remember, most collisions occur within a mile of the home - so buckle your child in a safety seat for every trip, no matter how short.

### Child Safety Seats

**Section 27315 VC** Was amended to define the phrase, “properly restrained by a safety belt” to mean that 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. This section was also amended to mandate that an operator of a limousine for hire, an operator of an authorized emergency vehicle, or an operator of a taxicab must not operate their vehicles unless the operator and any passengers eight years of age or older in the front seat are properly restrained by a safety belt.

**Section 27360 VC** was repealed and added to prohibit a parent, legal guardian, or driver from transporting a child or ward who is under eight years of age on a highway in a motor vehicle, without properly securing that child in a rear seat in an appropriate CPRS, except as provided in Section 27363 VC. However, this does not apply to a driver if the parent or legal guardian of the child is also present in the motor vehicle and is not the driver.

**Section 27360.5 VC** was repealed and added to prohibit a parent, legal guardian, or driver from transporting a child or ward who is eight years of age or older, but less than 16 years of age, on a highway in a motor vehicle without properly securing that child or ward in an appropriate CPRS or safety belt. This does not apply to a driver if the parent or legal guardian of the child is also present in the motor vehicle and is not the driver. Section 27360.6 VC was added to stipulate the fines for a conviction under Sections 27360 and 27360.5 VC as follows:

- *A first offense is punishable by a fine of \$100, except that the court may reduce or waive the fine if the defendant establishes to the satisfaction of the court that they are economically disadvantaged and the court instead refers the defendant to a community education program that, at a minimum, provides education regarding the proper installation and used of a CPRS for children of all ages. The defendant must provide certification to the court of completion of that program. If no program is available within 50 miles of the defendant’s residence, the requirement to participate in that program must be waived.*
- *A second or subsequent offense is punishable by a fine of \$250, which the court may reduce or waive, if the defendant meets the same requirements outlined above.*
- *Fines collected under this section are allocated as follows:*
  - 60 percent to health departments of local jurisdictions where the violation occurred. Funds must be used for a community education and assistance program in the proper installation and use of CPRS installation and use.

- 25 percent to the county or city for the administration of the community education program.
- 15 percent to the city, to be deposited in its general fund. However, if the violation occurs in an unincorporated area, this amount would be allocated to the county.

**Section 27361 VC** was amended to delete the reference to the weight of a child.

**Section 27363 VC** was amended to stipulate the following:

- *Notwithstanding Section 27360 VC, a child or ward under eight years of age who is four feet nine inches in height or taller may be properly restrained by a safety belt, rather than by a CPRS.*
- *Notwithstanding Section 27360 VC, a child or ward under eight years of age may ride properly secured in an appropriate CPRS in the front seat of a motor vehicle under any of the following circumstances:*
  - There is no rear seat.
  - The rear seats are side-facing jump seats.
  - The rear seats are rear-facing seats.
  - The CPRS cannot be installed properly in the rear seat.
  - All rear seats are already occupied by children seven years of age or less.
  - Medical reasons necessitate that the child or ward not ride in the rear seat. The court may require satisfactory proof of the child's medical condition.
- *Notwithstanding the subdivision above, a child must not be transported in a rear-facing CPRS in the front seat of a motor vehicle that is equipped with an active frontal passenger airbag.*

**Section 27363.5 VC** was amended to require a public or private hospital, clinic, or birthing center to provide information regarding current law, not only concerning CPRSs, but also safety belts and the transportation of children in rear seats if the child is under the age eight. This section also amended a paragraph stating that a hospital, clinic, or birthing center shall not be responsible for the failure of the parent or person to whom the child is released, substituting "to use a child passenger restraint system" for "to properly transport the child."

**Section 27365 VC** was amended to modify the required posting regarding Section 27360 VC to state the following:

CALIFORNIA LAW REQUIRES ALL CHILDREN UNDER 8 YEARS OF AGE TO BE  
TRANSPORTED IN THE REAR SEAT OF THE VEHICLE IN A CHILD RESTRAINT SYSTEM.  
THIS AGENCY IS REQUIRED TO PROVIDE FOR RENTAL OF A CHILD RESTRAINT SYSTEM IF  
YOU DO NOT HAVE A CHILD RESTRAINT SYSTEM YOURSELF.

This section was amended to require every car rental agency in California to have CPRSs available, upon request to adults traveling with children under eight years of age. The Legislature finds and declares that this act allows the state to be eligible for federal grants pursuant to Section 2011 of the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) for public education and the provision of low-cost and no-cost booster seats.