

Introduced by Senator Speier

December 5, 2000

An act to repeal and add Section 27360.5 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 42, as introduced, Speier. Child passenger restraint system and seatbelts.

Under existing law, it is unlawful for any parent or legal guardian, when present in a motor vehicle, as defined, to permit his or her child or ward who is between 4 and 16 years of age and weighs 40 pounds or more to be transported on the highway in the vehicle without using a safety belt. Operative on January 1, 2002, the law prohibits a parent or legal guardian, when present in a motor vehicle, from allowing his or her child or ward from being transported upon a highway without providing and properly using a child passenger restraint system or a safety belt if the child is 6 years of age, but less than 16 years of age, or who is less than 6 years of age and weighs 60 pounds or more.

This bill would make a technical, conforming change in the operative date of the January 1, 2002, law.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 27360.5 of the Vehicle Code, as added
2 by Section 6 of Chapter 675 of the Statutes of 2000, is repealed.
3 ~~27360.5.—(a) No parent or legal guardian, when present in a
4 motor vehicle, as defined in Section 27315, may permit his or her
5 child or ward who is six years of age, but less than 16 years of age,
6 or who is less than six years of age and weighs 60 pounds or more
7 to be transported upon a highway in the motor vehicle without
8 providing and properly securing the child or ward in an
9 appropriate child passenger restraint system or safety belt meeting
10 applicable federal motor vehicle safety standards.~~
11 ~~(b) No driver may transport on a highway any child who is six
12 years of age, but less than 16 years of age, or who is less than six
13 years of age and weighs 60 pounds or more in a motor vehicle, as
14 defined in Section 27315, without providing and properly securing
15 the child in a child passenger restraint system or safety belt
16 meeting applicable federal motor vehicle safety standards. This
17 subdivision does not apply to a driver if the parent or legal
18 guardian of the child is also present in the vehicle and is not the
19 driver.~~
20 ~~(c) (1) A first offense under this section is punishable by a fine
21 of one hundred dollars (\$100), except that the court may reduce or
22 waive the fine if the defendant establishes to the satisfaction of the
23 court that he or she is economically disadvantaged, and the court,
24 instead, refers the defendant to a child restraint education program
25 that includes, but is not limited to, demonstration of the proper
26 installation and use of child passenger restraint systems for
27 children of all ages, and provides economically disadvantaged
28 families with a child passenger restraint low cost purchase or
29 loaner program. Upon completion of the program, the defendant
30 shall provide proof of participation in the program that includes an
31 inspection of a child passenger restraint system that meets
32 applicable federal safety standards. If an education program on the
33 proper installation and use of a child passenger restraint system is
34 not available within 50 miles of the residence of the defendant, the
35 requirement to participate in that program shall be waived. If the
36 fine is paid, waived, or reduced, the court shall report the
37 conviction to the department pursuant to Section 1803.~~



1 The court may, at its discretion, require any defendant described
2 under this section to attend an education program that includes
3 demonstration of proper installation and use of child passenger
4 restraint systems and provides certification to the court that the
5 defendant has presented for inspection a child passenger restraint
6 system that meets applicable federal safety standards.

7 ~~(2) A second or subsequent offense under this section is~~
8 ~~punishable by a fine of two hundred fifty dollars (\$250), no part~~
9 ~~of which may be waived by the court, except that the court may~~
10 ~~reduce or waive the fine if the defendant establishes to the~~
11 ~~satisfaction of the court that he or she is economically~~
12 ~~disadvantaged, and the court, instead refers the defendant to a~~
13 ~~community education program that includes, but is not limited to,~~
14 ~~education on the proper installation and use of child passenger~~
15 ~~restraint systems for children of all ages, and provides certification~~
16 ~~to the court of completion of that program. Upon completion of the~~
17 ~~program, the defendant shall provide proof of participation in the~~
18 ~~program. If an education program on the proper installation and~~
19 ~~use of a child passenger restraint system is not available within 50~~
20 ~~miles of the residence of the defendant, the requirement to~~
21 ~~participate in that program shall be waived. If the fine is paid,~~
22 ~~waived, or reduced, the court shall report the conviction to the~~
23 ~~department pursuant to Section 1803.~~

24 The court may at its discretion, require any defendant described
25 under this section to attend an education program that includes
26 demonstration of proper installation and use of child passenger
27 restraint systems and provides certification to the court that the
28 defendant has presented for inspection a child passenger restraint
29 system that meets applicable federal safety standards.

30 ~~(d) Notwithstanding any other provision of law, the fines~~
31 ~~collected for a violation of this section shall be allocated as~~
32 ~~follows:~~

33 ~~(1) Sixty percent to county or city health departments where the~~
34 ~~violation occurred, to be used for an education program that~~
35 ~~includes, but is not limited to, the demonstration of proper~~
36 ~~installation and use of child passenger restraint systems for~~
37 ~~children of all ages and provides child restraints for loan or~~
38 ~~low-cost purchase.~~

39 ~~(2) Twenty-five percent to the county or city for the~~
40 ~~administration of the program.~~



1 ~~(3) Fifteen percent to the city, to be deposited in its general fund~~
2 ~~except that, if the violation occurred in an unincorporated area, this~~
3 ~~amount shall be allocated to the county for purposes of paragraph~~
4 ~~(1).~~

5 ~~(e) This section shall become operative on January 1, 2001.~~

6 SEC. 2. Section 27360.5 is added to the Vehicle Code, to read:

7 27360.5. (a) No parent or legal guardian, when present in a
8 motor vehicle, as defined in Section 27315, may permit his or her
9 child or ward who is six years of age, but less than 16 years of age,
10 or who is less than six years of age and weighs 60 pounds or more
11 to be transported upon a highway in the motor vehicle without
12 providing and properly securing the child or ward in an
13 appropriate child passenger restraint system or safety belt meeting
14 applicable federal motor vehicle safety standards.

15 (b) No driver may transport on a highway any child who is six
16 years of age, but less than 16 years of age, or who is less than six
17 years of age and weighs 60 pounds or more in a motor vehicle, as
18 defined in Section 27315, without providing and properly securing
19 the child in a child passenger restraint system or safety belt
20 meeting applicable federal motor vehicle safety standards. This
21 subdivision does not apply to a driver if the parent or legal
22 guardian of the child is also present in the vehicle and is not the
23 driver.

24 (c) (1) A first offense under this section is punishable by a fine
25 of one hundred dollars (\$100), except that the court may reduce or
26 waive the fine if the defendant establishes to the satisfaction of the
27 court that he or she is economically disadvantaged, and the court,
28 instead, refers the defendant to a child restraint education program
29 that includes, but is not limited to, demonstration of the proper
30 installation and use of child passenger restraint systems for
31 children of all ages, and provides economically disadvantaged
32 families with a child passenger restraint low-cost purchase or
33 loaner program. Upon completion of the program, the defendant
34 shall provide proof of participation in the program that includes an
35 inspection of a child passenger restraint system that meets
36 applicable federal safety standards. If an education program on the
37 proper installation and use of a child passenger restraint system is
38 not available within 50 miles of the residence of the defendant, the
39 requirement to participate in that program shall be waived. If the



1 fine is paid, waived, or reduced, the court shall report the
2 conviction to the department pursuant to Section 1803.

3 The court may, at its discretion, require any defendant described
4 under this section to attend an education program that includes
5 demonstration of proper installation and use of child passenger
6 restraint systems and provides certification to the court that the
7 defendant has presented for inspection a child passenger restraint
8 system that meets applicable federal safety standards.

9 (2) A second or subsequent offense under this section is
10 punishable by a fine of two hundred fifty dollars (\$250), no part
11 of which may be waived by the court, except that the court may
12 reduce or waive the fine if the defendant establishes to the
13 satisfaction of the court that he or she is economically
14 disadvantaged, and the court, instead refers the defendant to a
15 community education program that includes, but is not limited to,
16 education on the proper installation and use of child passenger
17 restraint systems for children of all ages, and provides certification
18 to the court of completion of that program. Upon completion of the
19 program, the defendant shall provide proof of participation in the
20 program. If an education program on the proper installation and
21 use of a child passenger restraint system is not available within 50
22 miles of the residence of the defendant, the requirement to
23 participate in that program shall be waived. If the fine is paid,
24 waived, or reduced, the court shall report the conviction to the
25 department pursuant to Section 1803.

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27 under this section to attend an education program that includes
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29 restraint systems and provides certification to the court that the
30 defendant has presented for inspection a child passenger restraint
31 system that meets applicable federal safety standards.

32 (d) Notwithstanding any other provision of law, the fines
33 collected for a violation of this section shall be allocated as
34 follows:

35 (1) Sixty percent to county or city health departments where the
36 violation occurred, to be used for an education program that
37 includes, but is not limited to, the demonstration of proper
38 installation and use of child passenger restraint systems for
39 children of all ages and provides child restraints for loan or
40 low-cost purchase.



1 (2) Twenty-five percent to the county or city for the
2 administration of the program.

3 (3) Fifteen percent to the city, to be deposited in its general fund
4 except that, if the violation occurred in an unincorporated area, this
5 amount shall be allocated to the county for purposes of paragraph
6 (1).

7 (e) This section shall become operative on January 1, 2002.

8 SEC. 3. This act is an urgency statute necessary for the
9 immediate preservation of the public peace, health, or safety
10 within the meaning of Article IV of the Constitution and shall go
11 into immediate effect. The facts constituting the necessity are:

12 In order to provide for the orderly administration and
13 enforcement of the child passenger restraint system and seatbelt
14 laws at the earliest possible time, it is necessary that the
15 clarification made by this act take effect immediately.

