

AMENDED IN ASSEMBLY JUNE 20, 2011

AMENDED IN SENATE APRIL 25, 2011

SENATE BILL

No. 929

Introduced by Senator Evans

February 18, 2011

An act to amend Sections 27315, ~~27315.3, and 27360~~ and 27315.3 of, to add Section 27360.6 to, and to repeal and add Sections 27360, and 27360.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 929, as amended, Evans. Vehicles: child passenger restraints.

(1) Existing law prohibits a person from operating a motor vehicle, as defined, on a highway unless that person and all passengers 16 years of age or older are properly restrained by a safety belt. ~~Existing law also makes various legislative findings and declarations with regard to the need for a mandatory seat belt law.~~

~~This bill would delete those legislative findings and declarations relating to the need for a mandatory seat belt law~~ *define the phrase "properly restrained by a safety belt" for purposes of those provisions.*

Existing law prohibits the operator of a limousine for hire or the operator of an authorized emergency vehicle, as defined, from operating the limousine for hire or authorized emergency vehicle, unless the operator and any passengers 6 years of age or over or weighing 60 pounds or more in the front seat are properly restrained by a safety belt. Existing law also prohibits the operator of a taxicab from operating the taxicab unless any passengers 6 years of age or older or weighing 60 pounds or more in the front seat are properly restrained by a safety belt.

This bill would instead prohibit the operator of a limousine for hire or authorized emergency vehicle or the operator of a taxicab, from operating the limousine for hire, authorized emergency vehicle, or taxicab unless the operator and any passengers 8 years of age or older in the front seat are properly restrained by a safety belt.

Existing law requires a child or ward under the age of 6 years who weighs less than 60 pounds to be secured in a rear seat in a child passenger restraint system that meets specified federal standards, but permits such a child or ward to ride in the front seat of a motor vehicle if properly secured in a child passenger restraint system that meets specified federal standards, under specified circumstances, including, among other things, if all rear seats are already occupied by children under the age of 12 years.

~~This bill would instead, permit a child or ward under the age of 6 years who weighs less than 60 pounds to ride in the front seat of a motor vehicle, if the child is properly secured in a child passenger restraint system that meets specified federal standards, if all rear seats are already occupied by children under the age of 8 years.~~

This bill would instead prohibit a parent, legal guardian, or driver from transporting on a highway in a motor vehicle, as defined, a child or ward who is under 8 years of age without securing that child in an appropriate child passenger restraint system meeting applicable federal motor vehicle safety standards, except as provided. The bill would impose specified fines and penalties for violations of those requirements, as prescribed.

Existing law authorizes a law enforcement officer reasonably suspecting a violation of those child passenger restraint system requirements to stop a vehicle transporting a child appearing to the officer to be within a specified age or weight range of under 6 years of age or less than 60 pounds.

This bill would instead authorize a law enforcement officer reasonably suspecting a violation of those requirements to stop a vehicle transporting a child appearing to the officer to be within the age range of less than 8 years of age.

Existing law permits a court to exempt from the above-described child passenger restraint system requirements any class of child by age, weight, or size if it is determined that the use of a child passenger restraint system would be impractical by reason of physical unfitness, medical condition, or size, and establishes 2 statutory exemptions.

This bill would revise that provision to also specify that a child or ward under the 8 years of age who is 4 feet 9 inches in height or taller may be properly restrained by a safety belt rather than a child passenger restraint system.

Existing law requires every public or private hospital, clinic, or birthing center, at the time of the discharge of a child to provide and discuss information on the current law requiring child passenger restraint systems to the parents or person to whom the child is released when the child is less than 6 years of age or weighs less than 60 pounds.

This bill would instead require a public or private hospital, clinic, or birthing center, at the time of the discharge of a child, to provide and discuss information on the current law requiring child passenger restraint systems, safety belts, and the transportation of children in rear seats to the parents or person to whom the child is released if the child is under 8 years of age.

Existing law requires every car rental agency in California to inform each of its customers of a specified child safety restraint law by posting, in a place conspicuous to the public in each established place of business of the agency notice that meets specified requirements and includes a prescribed statement.

This bill would revise the language that would be required to be included in the notice, with regard to the application of those child safety restraint laws to children under 8 years of age.

Because a violation of the vehicle law constitutes a crime, the bill would impose a state-mandated local program by expanding the scope of an existing crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. Section 27315 of the Vehicle Code is amended
- 2 to read:
- 3 27315. (a) *The Legislature finds that a mandatory seatbelt*
- 4 *law will contribute to reducing highway deaths and injuries by*

1 *encouraging greater usage of existing manual seatbelts, that*
2 *automatic crash protection systems that require no action by*
3 *vehicle occupants offer the best hope of reducing deaths and*
4 *injuries, and that encouraging the use of manual safety belts is*
5 *only a partial remedy for addressing this major cause of death*
6 *and injury. The Legislature declares that the enactment of this*
7 *section is intended to be compatible with support for federal motor*
8 *vehicle safety standards requiring automatic crash protection*
9 *systems and should not be used in any manner to rescind federal*
10 *requirements for installation of automatic restraints in new cars.*

11 (b) This section shall be known and may be cited as the Motor
12 Vehicle Safety Act.

13 ~~(b)~~

14 (c) (1) As used in this section, “motor vehicle” means a
15 passenger vehicle, a motortruck, or a truck tractor, but does not
16 include a motorcycle.

17 (2) For purposes of this section, a “motor vehicle” also means
18 a farm labor vehicle, regardless of the date of certification under
19 Section 31401.

20 ~~(c)~~

21 (d) (1) A person shall not operate a motor vehicle on a highway
22 unless that person and all passengers 16 years of age or over are
23 properly restrained by a safety belt. This paragraph does not apply
24 to the operator of a taxicab, as defined in Section 27908, when the
25 taxicab is driven on a city street and is engaged in the transportation
26 of a fare-paying passenger. The safety belt requirement established
27 by this paragraph is the minimum safety standard applicable to
28 employees being transported in a motor vehicle. This paragraph
29 does not preempt more stringent or restrictive standards imposed
30 by the Labor Code or another state or federal regulation regarding
31 the transportation of employees in a motor vehicle.

32 (2) *For purposes of this section the phrase, “properly restrained*
33 *by a safety belt” means that the lower (lap) portion of the belt*
34 *crosses the hips or upper thighs of the occupant and the upper*
35 *(shoulder) portion of the belt, if present, crosses the chest in front*
36 *of the occupant.*

37 ~~(2)~~

38 (3) The operator of a limousine for hire or the operator of an
39 authorized emergency vehicle, as defined in subdivision (a) of
40 Section 165, shall not operate the limousine for hire or authorized

1 emergency vehicle unless the operator and any passengers—~~six~~
2 ~~years of age or over or weighing 60 pounds or more in the front~~
3 ~~seat are properly restrained by a safety belt.~~ *eight years of age or*
4 *over in the front seat, are properly restrained by a safety belt.*

5 ~~(3)~~

6 (4) The operator of a taxicab shall not operate the taxicab unless
7 any passengers—~~six years of age or over or weighing 60 pounds or~~
8 ~~more in the front seat~~ *eight years of age or over in the front seat,*
9 are properly restrained by a safety belt.

10 ~~(d)~~

11 (e) A person 16 years of age or over shall not be a passenger in
12 a motor vehicle on a highway unless that person is properly
13 restrained by a safety belt. This subdivision does not apply to a
14 passenger in a sleeper berth, as defined in subdivision (x) of Section
15 1201 of Title 13 of the California Code of Regulations.

16 ~~(e)~~

17 (f) An owner of a motor vehicle, including an owner or operator
18 of a taxicab, as defined in Section 27908, or a limousine for hire,
19 operated on a highway shall maintain safety belts in good working
20 order for the use of the occupants of the vehicle. The safety belts
21 shall conform to motor vehicle safety standards established by the
22 United States Department of Transportation. This subdivision,
23 however, does not require installation or maintenance of safety
24 belts if it is not required by the laws of the United States applicable
25 to the vehicle at the time of its initial sale.

26 ~~(f)~~

27 (g) This section does not apply to a passenger or operator with
28 a physically disabling condition or medical condition that would
29 prevent appropriate restraint in a safety belt, if the condition is
30 duly certified by a licensed physician and surgeon or by a licensed
31 chiropractor who shall state the nature of the condition, as well as
32 the reason the restraint is inappropriate. This section also does not
33 apply to a public employee, if the public employee is in an
34 authorized emergency vehicle as defined in paragraph (1) of
35 subdivision (b) of Section 165, or to a passenger in a seat behind
36 the front seat of an authorized emergency vehicle as defined in
37 paragraph (1) of subdivision (b) of Section 165 operated by the
38 public employee, unless required by the agency employing the
39 public employee.

40 ~~(g)~~

(h) Notwithstanding subdivision (a) of Section 42001, a violation of subdivision ~~(e), (d), or (e)~~ (d), (e), or (f) is an infraction punishable by a fine of not more than twenty dollars (\$20) for a first offense, and a fine of not more than fifty dollars (\$50) for each subsequent offense. In lieu of the fine and any penalty assessment or court costs, the court, pursuant to Section 42005, may order that a person convicted of a first offense attend a school for traffic violators or another court-approved program in which the proper use of safety belts is demonstrated.

~~(h) In a civil action, a violation of subdivision (e), (d), or (e) or information of a violation of subdivision (g) does~~

(i) *In a civil action, a violation of subdivision (d), (e), or (f), or information of a violation of subdivision (h), does not establish negligence as a matter of law or negligence per se for comparative fault purposes, but negligence may be proven as a fact without regard to the violation.*

~~(i)~~

(j) If the United States Secretary of Transportation fails to adopt safety standards for manual safety belt systems by September 1, 1989, a motor vehicle manufactured after that date for sale or sold in this state shall not be registered unless it contains a manual safety belt system that meets the performance standards applicable to automatic crash protection devices adopted by the United States Secretary of Transportation pursuant to Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R. 571.208) as in effect on January 1, 1985.

~~(j)~~

(k) A motor vehicle offered for original sale in this state that has been manufactured on or after September 1, 1989, shall comply with the automatic restraint requirements of Section S4.1.2.1 of Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R. 571.208), as published in Volume 49 of the Federal Register, No. 138, page 29009. An automobile manufacturer that sells or delivers a motor vehicle subject to this subdivision, and fails to comply with this subdivision, shall be punished by a fine of not more than five hundred dollars (\$500) for each sale or delivery of a noncomplying motor vehicle.

~~(k) Compliance with subdivision (i) or (j) by a~~

1 ~~(l)~~ *Compliance with subdivision (j) or (k) by a manufacturer*
2 shall be made by self-certification in the same manner as
3 self-certification is accomplished under federal law.

4 ~~(t)~~

5 ~~(m)~~ This section does not apply to a person actually engaged in
6 delivery of newspapers to customers along the person's route if
7 the person is properly restrained by a safety belt prior to
8 commencing and subsequent to completing delivery on the route.

9 ~~(m)~~

10 ~~(n)~~ This section does not apply to a person actually engaged in
11 collection and delivery activities as a rural delivery carrier for the
12 United States Postal Service if the person is properly restrained
13 by a safety belt prior to stopping at the first box and subsequent
14 to stopping at the last box on the route.

15 ~~(n)~~

16 ~~(o)~~ This section does not apply to a driver actually engaged in
17 the collection of solid waste or recyclable materials along that
18 driver's collection route if the driver is properly restrained by a
19 safety belt prior to commencing and subsequent to completing the
20 collection route.

21 ~~(e) Subdivisions (e), (d), (e), (f), and (g)~~

22 ~~(p)~~ *Subdivisions (d), (e), (f), (g), and (h)* shall become
23 inoperative immediately upon the date that the United States
24 Secretary of Transportation, or his or her delegate, determines to
25 rescind the portion of the Federal Motor Vehicle Safety Standard
26 No. 208 (49 C.F.R. 571.208) that requires the installation of
27 automatic restraints in new motor vehicles, except that those
28 subdivisions shall not become inoperative if the secretary's decision
29 to rescind that Standard No. 208 is not based, in any respect, on
30 the enactment or continued operation of those subdivisions.

31 SEC. 2. Section 27315.3 of the Vehicle Code is amended to
32 read:

33 27315.3. (a) As used in this section, "passenger motor vehicle"
34 means a passenger vehicle as defined in Section 465 and a
35 motortruck as defined in Section 410 of less than 6,001 pounds
36 unladen weight, but does not include a motorcycle as defined in
37 Section 400.

38 (b) Every sheriff's department and city police department and
39 the Department of the California Highway Patrol shall maintain
40 safety belts in good working order for the use of occupants of a

1 vehicle that it operates on a highway for the purpose of patrol. The
2 safety belts shall conform to motor vehicle safety standards
3 established by the United States Department of Transportation.
4 This subdivision does not, however, require installation or
5 maintenance of safety belts where not required by the laws of the
6 United States applicable to the vehicle at the time of its initial sale.

7 (c) Notwithstanding subdivision (a) of Section 42001, a violation
8 of subdivision (b) is an infraction punishable by a fine, including
9 all penalty assessments and court costs imposed on the convicted
10 department, of not more than twenty dollars (\$20) for a first
11 offense, and a fine, including all penalty assessments and court
12 costs imposed on the convicted department, of not more than fifty
13 dollars (\$50) for each subsequent offense.

14 (d) (1) For a violation of subdivision (b), in addition to the fines
15 provided for pursuant to subdivision (c) and the penalty
16 assessments provided for pursuant to Section 1464 of the Penal
17 Code, an additional penalty assessment of two dollars (\$2) shall
18 be levied for a first offense, and an additional penalty assessment
19 of five dollars (\$5) shall be levied for any subsequent offense.

20 (2) All money collected pursuant to this subdivision shall be
21 utilized in accordance with Section 1464 of the Penal Code.

22 (e) In a civil action, a violation of subdivision (b) or information
23 of a violation of subdivision (c) shall not establish negligence as
24 a matter of law or negligence per se for comparative fault purposes,
25 but negligence may be proven as a fact without regard to the
26 violation.

27 (f) Subdivisions (b) and (c) shall become inoperative
28 immediately upon the date that the Secretary of the United States
29 Department of Transportation, or his or her delegate, determines
30 to rescind the portion of the Federal Motor Vehicle Safety Standard
31 No. 208 (49 C.F.R. 571.208) that requires the installation of
32 automatic restraints in new passenger motor vehicles, except that
33 those subdivisions shall not become inoperative if the secretary's
34 decision to rescind Standard No. 208 is not based, in any respect,
35 on the enactment or continued operation of those subdivisions or
36 subdivisions ~~(e) to (g)~~ (d) to (h), inclusive, of Section 27315.

37 ~~SEC. 3. Section 27360 of the Vehicle Code is amended to read:~~

38 ~~27360. (a) A parent or legal guardian, when present in a motor~~
39 ~~vehicle, as defined in Section 27315, shall not permit his or her~~
40 ~~child or ward to be transported upon a highway in the motor vehicle~~

1 without properly securing the child or ward in a rear seat in a child
2 passenger restraint system meeting applicable federal motor vehicle
3 safety standards, unless the child or ward is one of the following:

4 (1) Six years of age or older.

5 (2) Sixty pounds or more.

6 (b) (1) A driver may not transport on a highway a child in a
7 motor vehicle, as defined in subdivision (c) of Section 27315,
8 without properly securing the child in a rear seat in a child
9 passenger restraint system meeting applicable federal motor vehicle
10 safety standards, unless the child is one of the following:

11 (A) Six years of age or older.

12 (B) Sixty pounds or more.

13 (2) This subdivision does not apply to a driver if the parent or
14 legal guardian of the child is also present in the vehicle and is not
15 the driver.

16 (c) (1) For purposes of subdivisions (a) and (b), and except as
17 provided in paragraph (2), a child or ward under the age of six
18 years who weighs less than 60 pounds may ride in the front seat
19 of a motor vehicle if the child is properly secured in a child
20 passenger restraint system that meets applicable federal motor
21 vehicle safety standards, under any of the following circumstances:

22 (A) There is no rear seat.

23 (B) The rear seats are side-facing jump seats.

24 (C) The rear seats are rear-facing seats.

25 (D) The child passenger restraint system cannot be installed
26 properly in the rear seat.

27 (E) All rear seats are already occupied by children under the
28 age of 8 years.

29 (F) Medical reasons necessitate that the child or ward not ride
30 in the rear seat. The court may require satisfactory proof of the
31 child's medical condition.

32 (2) A child or ward may not ride in the front seat of a motor
33 vehicle with an active passenger airbag if the child or ward is one
34 of the following:

35 (A) Under one year of age.

36 (B) Less than 20 pounds.

37 (C) Riding in a rear-facing child passenger restraint system.

38 (d) (1) (A) A first offense under this section is punishable by
39 a fine of one hundred dollars (\$100), except that the court may
40 reduce or waive the fine if the defendant establishes to the

1 satisfaction of the court that he or she is economically
2 disadvantaged, and the court, instead, refers the defendant to a
3 community education program that includes, but is not limited to,
4 education on the proper installation and use of a child passenger
5 restraint system for children of all ages, and provides certification
6 to the court of completion of that program. Upon completion of
7 the program, the defendant shall provide proof of participation in
8 the program. If an education program on the proper installation
9 and use of a child passenger restraint system is not available within
10 50 miles of the residence of the defendant, the requirement to
11 participate in that program shall be waived. If the fine is paid,
12 waived, or reduced, the court shall report the conviction to the
13 department pursuant to Section 1803.

14 (B) The court may require a defendant described under this
15 section to attend an education program that includes demonstration
16 of proper installation and use of a child passenger restraint system
17 and provides certification to the court that the defendant has
18 presented for inspection a child passenger restraint system that
19 meets applicable federal safety standards.

20 (2) (A) A second or subsequent offense under this section is
21 punishable by a fine of two hundred fifty dollars (\$250), no part
22 of which may be waived by the court, except that the court may
23 reduce or waive the fine if the defendant establishes to the
24 satisfaction of the court that he or she is economically
25 disadvantaged, and the court, instead, refers the defendant to a
26 community education program that includes, but is not limited to,
27 education on the proper installation and use of child passenger
28 restraint systems for children of all ages, and provides certification
29 to the court of completion of that program. Upon completion of
30 the program, the defendant shall provide proof of participation in
31 the program. If an education program on the proper installation
32 and use of a child passenger restraint system is not available within
33 50 miles of the residence of the defendant, the requirement to
34 participate in that program shall be waived. If the fine is paid,
35 waived, or reduced, the court shall report the conviction to the
36 department pursuant to Section 1803.

37 (B) The court may require a defendant described under this
38 section to attend an education program that includes demonstration
39 of proper installation and use of a child passenger restraint system
40 and provides certification to the court that the defendant has

1 presented for inspection a child passenger restraint system that
2 meets applicable federal safety standards.

3 (e) ~~Notwithstanding any other provision of law, the fines~~
4 ~~collected for a violation of this section shall be allocated as follows:~~

5 (1) (A) ~~Sixty percent to health departments of local jurisdictions~~
6 ~~where the violation occurred, to be used for a community education~~
7 ~~program that includes, but is not limited to, demonstration of the~~
8 ~~installation of a child passenger restraint system for children of all~~
9 ~~ages and also assists an economically disadvantaged family in~~
10 ~~obtaining a restraint system through a low-cost purchase or loan.~~
11 ~~The county or city health department shall designate a coordinator~~
12 ~~to facilitate the creation of a special account and to develop a~~
13 ~~relationship with the court system to facilitate the transfer of funds~~
14 ~~to the program. The county or city may contract for the~~
15 ~~implementation of the program. Prior to obtaining possession of~~
16 ~~a child passenger restraint system pursuant to this section, a person~~
17 ~~shall attend an education program that includes demonstration of~~
18 ~~proper installation and use of a child passenger restraint system.~~

19 (B) ~~As the proceeds from fines become available, county or city~~
20 ~~health departments shall prepare and maintain a listing of all child~~
21 ~~passenger restraint low-cost purchase or loaner programs in their~~
22 ~~counties, including a semiannual verification that all programs~~
23 ~~listed are in existence. Each county or city shall forward the listing~~
24 ~~to the Office of Traffic Safety in the Business, Transportation and~~
25 ~~Housing Agency and the courts, birthing centers, community child~~
26 ~~health and disability prevention programs, county clinics, prenatal~~
27 ~~clinics, women, infants, and children programs, and county~~
28 ~~hospitals in that county, who shall make the listing available to~~
29 ~~the public. The Office of Traffic Safety shall maintain a listing of~~
30 ~~all of the programs in the state.~~

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

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

37 *SEC. 3. Section 27360 of the Vehicle Code is repealed.*

38 27360. (a) ~~A parent or legal guardian, when present in a motor~~
39 ~~vehicle, as defined in Section 27315, may not permit his or her~~
40 ~~child or ward to be transported upon a highway in the motor vehicle~~

1 without properly securing the child or ward in a rear seat in a child
2 passenger restraint system meeting applicable federal motor vehicle
3 safety standards, unless the child or ward is one of the following:

4 (1) ~~Six years of age or older.~~

5 (2) ~~Sixty pounds or more.~~

6 (b) (1) ~~A driver may not transport on a highway a child in a~~
7 ~~motor vehicle, as defined in Section 27315, without properly~~
8 ~~securing the child in a rear seat in a child passenger restraint system~~
9 ~~meeting applicable federal motor vehicle safety standards, unless~~
10 ~~the child is one of the following:~~

11 (A) ~~Six years of age or older.~~

12 (B) ~~Sixty pounds or more.~~

13 (2) ~~This subdivision does not apply to a driver if the parent or~~
14 ~~legal guardian of the child is also present in the vehicle and is not~~
15 ~~the driver.~~

16 (e) (1) ~~For purposes of subdivisions (a) and (b), and except as~~
17 ~~provided in paragraph (2), a child or ward under the age of six~~
18 ~~years who weighs less than 60 pounds may ride in the front seat~~
19 ~~of a motor vehicle, if properly secured in a child passenger restraint~~
20 ~~system that meets applicable federal motor vehicle safety standards,~~
21 ~~under any of the following circumstances:~~

22 (A) ~~There is no rear seat.~~

23 (B) ~~The rear seats are side-facing jump seats.~~

24 (C) ~~The rear seats are rear-facing seats.~~

25 (D) ~~The child passenger restraint system cannot be installed~~
26 ~~properly in the rear seat.~~

27 (E) ~~All rear seats are already occupied by children under the~~
28 ~~age of 12 years.~~

29 (F) ~~Medical reasons necessitate that the child or ward not ride~~
30 ~~in the rear seat. The court may require satisfactory proof of the~~
31 ~~child's medical condition.~~

32 (2) ~~A child or ward may not ride in the front seat of a motor~~
33 ~~vehicle with an active passenger airbag if the child or ward is one~~
34 ~~of the following:~~

35 (A) ~~Under one year of age.~~

36 (B) ~~Less than 20 pounds.~~

37 (C) ~~Riding in a rear-facing child passenger restraint system.~~

38 (d) (1) (A) ~~A first offense under this section is punishable by~~
39 ~~a fine of one hundred dollars (\$100), except that the court may~~
40 ~~reduce or waive the fine if the defendant establishes to the~~

1 satisfaction of the court that he or she is economically
2 disadvantaged, and the court, instead, refers the defendant to a
3 community education program that includes, but is not limited to,
4 education on the proper installation and use of a child passenger
5 restraint system for children of all ages, and provides certification
6 to the court of completion of that program. Upon completion of
7 the program, the defendant shall provide proof of participation in
8 the program. If an education program on the proper installation
9 and use of a child passenger restraint system is not available within
10 50 miles of the residence of the defendant, the requirement to
11 participate in that program shall be waived. If the fine is paid,
12 waived, or reduced, the court shall report the conviction to the
13 department pursuant to Section 1803.

14 (B) The court may require a defendant described under this
15 section to attend an education program that includes demonstration
16 of proper installation and use of a child passenger restraint system
17 and provides certification to the court that the defendant has
18 presented for inspection a child passenger restraint system that
19 meets applicable federal safety standards.

20 (2) (A) A second or subsequent offense under this section is
21 punishable by a fine of two hundred fifty dollars (\$250), no part
22 of which may be waived by the court, except that the court may
23 reduce or waive the fine if the defendant establishes to the
24 satisfaction of the court that he or she is economically
25 disadvantaged, and the court, instead, refers the defendant to a
26 community education program that includes, but is not limited to,
27 education on the proper installation and use of child passenger
28 restraint systems for children of all ages, and provides certification
29 to the court of completion of that program. Upon completion of
30 the program, the defendant shall provide proof of participation in
31 the program. If an education program on the proper installation
32 and use of a child passenger restraint system is not available within
33 50 miles of the residence of the defendant, the requirement to
34 participate in that program shall be waived. If the fine is paid,
35 waived, or reduced, the court shall report the conviction to the
36 department pursuant to Section 1803.

37 (B) The court may require a defendant described under this
38 section to attend an education program that includes demonstration
39 of proper installation and use of a child passenger restraint system
40 and provides certification to the court that the defendant has

1 presented for inspection a child passenger restraint system that
2 meets applicable federal safety standards.

3 (e) ~~Notwithstanding any other provision of law, the fines~~
4 ~~collected for a violation of this section shall be allocated as follows:~~

5 (1) (A) ~~Sixty percent to health departments of local jurisdictions~~
6 ~~where the violation occurred, to be used for a community education~~
7 ~~program that includes, but is not limited to, demonstration of the~~
8 ~~installation of a child passenger restraint system for children of all~~
9 ~~ages and also assists an economically disadvantaged family in~~
10 ~~obtaining a restraint system through a low-cost purchase or loan.~~
11 ~~The county or city health department shall designate a coordinator~~
12 ~~to facilitate the creation of a special account and to develop a~~
13 ~~relationship with the court system to facilitate the transfer of funds~~
14 ~~to the program. The county or city may contract for the~~
15 ~~implementation of the program. Prior to obtaining possession of~~
16 ~~a child passenger restraint system pursuant to this section, a person~~
17 ~~shall attend an education program that includes demonstration of~~
18 ~~proper installation and use of a child passenger restraint system.~~

19 (B) ~~As the proceeds from fines become available, county or city~~
20 ~~health departments shall prepare and maintain a listing of all child~~
21 ~~passenger restraint low-cost purchase or loaner programs in their~~
22 ~~counties, including a semiannual verification that all programs~~
23 ~~listed are in existence. Each county or city shall forward the listing~~
24 ~~to the Office of Traffic Safety in the Business, Transportation and~~
25 ~~Housing Agency and the courts, birthing centers, community child~~
26 ~~health and disability prevention programs, county clinics, prenatal~~
27 ~~clinics, women, infants, and children programs, and county~~
28 ~~hospitals in that county, who shall make the listing available to~~
29 ~~the public. The Office of Traffic Safety shall maintain a listing of~~
30 ~~all of the programs in the state.~~

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

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

37 *SEC. 4. Section 27360 is added to the Vehicle Code, to read:*

38 *27360. (a) Except as provided in Section 27363 a parent, legal*
39 *guardian, or driver shall not transport on a highway in a motor*
40 *vehicle, as defined in paragraph (1) of subdivision (3) of Section*

1 27315, a child or ward who is under eight years of age, without
2 properly securing that child in a rear seat in an appropriate child
3 passenger restraint system meeting applicable federal motor
4 vehicle safety standards.

5 (b) Subdivision (a) does not apply to a driver if the parent or
6 legal guardian of the child is also present in the motor vehicle and
7 is not the driver.

8 SEC. 5. Section 27360.5 of the Vehicle Code is repealed.

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

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

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

1 the 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
19 the program, the defendant shall provide proof of participation in
20 the program. If an education program on the proper installation
21 and use of a child passenger restraint system is not available within
22 50 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.

26 The court may at its discretion, require any defendant described
27 under this section to attend an education program that includes
28 demonstration of proper installation and use of child passenger
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 follows:

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

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

8 *27360.5. (a) A parent, legal guardian, or driver shall not*
9 *transport on a highway in a motor vehicle, as defined in paragraph*
10 *(1) of subdivision (c) of Section 27315, a child or ward who is*
11 *eight years of age or older, but less than 16 years of age, without*
12 *properly securing that child or ward in an appropriate child*
13 *passenger restraint system or safety belt meeting applicable federal*
14 *motor vehicle safety standards.*

15 *(b) Subdivision (a) does not apply to a driver if the parent or*
16 *legal guardian of the child is also present in the motor vehicle and*
17 *is not the driver.*

18 *SEC. 7. Section 27360.6 is added to the Vehicle Code, to read:*

19 *27360.6. (a) (1) For a conviction under Section 27360 or*
20 *27360.5, a first offense is punishable by a fine of one hundred*
21 *dollars (\$100), except that the court may reduce or waive the fine*
22 *if the defendant establishes to the satisfaction of the court that he*
23 *or she is economically disadvantaged, and the court, instead, refers*
24 *the defendant to a community education program that includes,*
25 *but is not limited to, education on the proper installation and use*
26 *of a child passenger restraint system for children of all ages, and*
27 *provides certification to the court of completion of that program.*
28 *Upon completion of the program, the defendant shall provide proof*
29 *of participation in the program. If an education program on the*
30 *proper installation and use of a child passenger restraint system*
31 *is not available within 50 miles of the residence of the defendant,*
32 *the requirement to participate in that program shall be waived. If*
33 *the fine is paid, waived, or reduced, the court shall report the*
34 *conviction to the department pursuant to Section 1803.*

35 *(2) The court may require a defendant described under*
36 *paragraph (1) to attend an education program that includes*
37 *demonstration of proper installation and use of a child passenger*
38 *restraint system and provides certification to the court that the*
39 *defendant has presented for inspection a child passenger restraint*
40 *system that meets applicable federal safety standards.*

(b) (1) A second or subsequent conviction under Section 27360 or 27360.5 is punishable by a fine of two hundred fifty dollars (\$250), no part of which may be waived by the court, except that the court may reduce or waive the fine if the defendant establishes to the satisfaction of the court that he or she is economically disadvantaged, and the court, instead refers the defendant to a community education program that includes, but is not limited to, education on the proper installation and use of child passenger restraint systems for children of all ages, and provides certification to the court of completion of that program. Upon completion of the program, the defendant shall provide proof of participation in the program. If an education program on the proper installation and use of a child passenger restraint system is not available within 50 miles of the residence of the defendant, the requirement to participate in that program shall be waived. If the fine is paid, waived, or reduced, the court shall report the conviction to the department pursuant to Section 1803.

(2) The court may require a defendant described under paragraph (1) to attend an education program that includes demonstration of proper installation and use of a child passenger restraint system and provides certification to the court that the defendant has presented for inspection a child passenger restraint system that meets applicable federal safety standards.

(c) Notwithstanding any other law, the fines collected under this section shall be allocated as follows:

(1) (A) Sixty percent to health departments of local jurisdictions where the violation occurred, to be used for a community education and assistance program that includes, but is not limited to, demonstration of the proper installation and use of child passenger restraint systems for children of all ages and assistance to economically disadvantaged families in obtaining a restraint system through a low-cost purchase or loan. The county or city health department shall designate a coordinator to facilitate the creation of a special account and to develop a relationship with the court system to facilitate the transfer of funds to the program. The county or city may contract for the implementation of the program. Prior to obtaining possession of a child passenger restraint system pursuant to this subdivision, a person shall attend an education program that includes demonstration of proper installation and use of a child passenger restraint system.

1 (B) As the proceeds from fines become available, county or city
2 health departments shall prepare and maintain a listing of all child
3 passenger restraint low-cost purchase or loaner programs in their
4 counties, including a semiannual verification that all programs
5 listed are in existence. Each county or city shall forward the listing
6 to the Office of Traffic Safety in the Business, Transportation and
7 Housing Agency and the courts, birthing centers, community child
8 health and disability prevention programs, county clinics, prenatal
9 clinics, women, infants, and children programs, and county
10 hospitals in that county, who shall make the listing available to
11 the public. The Office of Traffic Safety shall maintain a listing of
12 all of the programs in the state.

13 (2) Twenty-five percent to the county or city for the
14 administration of the community education program.

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

19 SEC. 8. Section 27361 of the Vehicle Code is amended to read:

20 27361. A law enforcement officer reasonably suspecting a
21 violation of Section 27360 or 27360.5, or both of those sections,
22 may stop a vehicle transporting a child appearing to the officer to
23 be within the age or weight specified in Section 27360 or 27360.5.
24 The officer may issue a notice to appear for a violation of Section
25 27360 or 27360.5.

26 SEC. 9. Section 27363 of the Vehicle Code is amended to read:

27 27363. (a) The court may exempt from the requirements of
28 this article any class of child by age, weight, or size if it is
29 determined that the use of a child passenger restraint system would
30 be impractical by reason of physical unfitness, medical condition,
31 or size. The court may require satisfactory proof of the child's
32 physical unfitness, medical condition, or size and that an
33 appropriate special needs child passenger restraint system is not
34 available.

35 (b) In case of a life-threatening emergency, or when a child is
36 being transported in an authorized emergency vehicle, if there is
37 no child passenger restraint system available, a child may be
38 transported without the use of that system, but the child shall be
39 secured by a seatbelt.

1 (c) A child weighing more than 40 pounds may be transported
2 in the backseat of a vehicle while wearing only a lap safety belt
3 when the backseat of the vehicle is not equipped with a
4 combination lap and shoulder safety belt.

5 ~~(d) This section shall become operative on January 1, 2002.~~

6 (d) *Notwithstanding Section 27360, a child or ward under the*
7 *age of eight years who is four feet nine inches in height or taller*
8 *may be properly restrained by a safety belt, as defined in*
9 *paragraph (2) of subdivision (d) of Section 27315, rather than by*
10 *a child passenger restraint system.*

11 (e) *Notwithstanding Section 27360, a child or ward under eight*
12 *years of age may ride properly secured in an appropriate child*
13 *passenger restraint system meeting applicable federal motor*
14 *vehicle safety standards in the front seat of a motor vehicle under*
15 *any of the following circumstances:*

16 (1) *There is no rear seat.*

17 (2) *The rear seats are side-facing jump seats.*

18 (3) *The rear seats are rear-facing seats.*

19 (4) *The child passenger restraint system cannot be installed*
20 *properly in the rear seat.*

21 (5) *All rear seats are already occupied by children seven years*
22 *of age or under.*

23 (6) *Medical reasons necessitate that the child or ward not ride*
24 *in the rear seat. The court may require satisfactory proof of the*
25 *child's medical condition.*

26 (f) *Notwithstanding subdivision (e), a child shall not be*
27 *transported in a rear-facing child passenger restraint system in*
28 *the front seat of a motor vehicle that is equipped with an active*
29 *frontal passenger airbag.*

30 SEC. 10. *Section 27363.5 of the Vehicle Code is amended to*
31 *read:*

32 27363.5. (a) ~~Every~~ *A public or private hospital, clinic, or*
33 *birthing center, shall, at the time of the discharge of a child provide*
34 *and discuss information on the current law requiring child*
35 *passenger restraint systems, safety belts, and the transportation of*
36 *children in rear seats to the parents or the person to whom the*
37 *child is released when at least one of the following conditions is*
38 *met: if the child is under eight years of age.*

39 (1) ~~The child is less than six years of age.~~

40 (2) ~~The child weighs less than 60 pounds.~~

1 ~~(b) A public or private hospital, clinic, or birthing center shall~~
2 ~~not be responsible for the failure of the parent or person to whom~~
3 ~~the child is released to use a child passenger restraint system.~~

4 ~~(c) This section shall become operative on January 1, 2002.~~

5 *(b) A public or private hospital, clinic, or birthing center shall*
6 *not be responsible for the failure of the parent or person to whom*
7 *the child is released to properly transport the child.*

8 *SEC. 11. Section 27365 of the Vehicle Code is amended to*
9 *read:*

10 27365. (a) (1) ~~Every~~ A car rental agency in California shall
11 inform each of its customers of Section 27360 by posting, in a
12 place conspicuous to the public in each established place of
13 business of the agency, a notice not smaller than 15 by 20 inches
14 which states the following: ~~“CALIFORNIA LAW REQUIRES~~
15 ~~ALL CHILDREN UNDER 6 YEARS OF AGE WHO WEIGH~~
16 ~~LESS THAN 60 POUNDS TO BE TRANSPORTED IN THE~~
17 ~~BACK SEAT OF THE VEHICLE IN A CHILD RESTRAINT~~
18 ~~SYSTEM. THIS AGENCY IS REQUIRED TO PROVIDE FOR~~
19 ~~RENTAL A CHILD RESTRAINT SYSTEM IF YOU DO NOT~~
20 ~~HAVE A CHILD RESTRAINT SYSTEM YOURSELF.”~~

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

27 (2) The posted notice specified in paragraph (1) is not required
28 if the car rental agency's place of business is located in a hotel that
29 has a business policy prohibiting the posting of signs or notices in
30 any area of the hotel. In that case, a car rental agency shall furnish
31 a written notice to each customer that contains the same
32 information as required for the posted notice.

33 (b) Every car rental agency in California shall have available
34 for, and shall, upon request, provide for rental to, adults traveling
35 with children under ~~six~~ *eight* years of age, child passenger restraint
36 systems that are certified by the manufacturer to meet applicable
37 federal motor vehicle safety standards for use by children ~~weighing~~
38 ~~60 pounds or less~~, are in good and safe condition, with no missing
39 original parts, and are not older than five years.

1 (c) A violation of this section is an infraction punishable by a
2 fine of one hundred dollars (\$100).

3 *SEC. 12. The Legislature finds and declares that this act allows*
4 *the state to be eligible for federal grants pursuant to Section 2011*
5 *of the federal Safe, Accountable, Flexible, Efficient Transportation*
6 *Equity Act: A Legacy for Users (SAFETEA-LU) (Public Law*
7 *109-59) for public education and the provision of low-cost and*
8 *no-cost booster seats.*

9 ~~SEC. 4.~~

10 *SEC. 13.* No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district will be incurred because this act creates a new crime or
14 infraction, eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section 17556 of
16 the Government Code, or changes the definition of a crime within
17 the meaning of Section 6 of Article XIII B of the California
18 Constitution.