

Assembly Bill No. 53

CHAPTER 292

An act to amend, repeal, and add Section 27360 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 21, 2015. Filed with
Secretary of State September 21, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 53, Cristina Garcia. Vehicles: child safety seats.

Existing law requires a parent, legal guardian, or the driver of a motor vehicle to properly secure a child under 8 years of age in an appropriate passenger restraint system while the child is riding in a motor vehicle. A violation of the Vehicle Code is a crime.

This bill would require a parent, legal guardian, or the driver of a motor vehicle to properly secure a child who is under 2 years of age in an appropriate rear-facing child passenger restraint system, unless the child weighs 40 or more pounds or is 40 or more inches in height. Because a violation of these requirements would be a crime, this bill would impose a state-mandated local program.

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.

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

SECTION 1. Section 27360 of the Vehicle Code is amended to read:

27360. (a) Except as provided in Section 27363, a parent, legal guardian, or driver shall not transport on a highway in a motor vehicle, as defined in paragraph (1) of subdivision (c) of Section 27315, a child or ward who is under eight years of age, without properly securing that child in a rear seat in an appropriate child passenger restraint system meeting applicable federal motor vehicle safety standards.

(b) Subdivision (a) 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.

(c) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

SEC. 2. Section 27360 is added to the Vehicle Code, to read:

27360. (a) Except as provided in Section 27363, a parent, legal guardian, or driver who transports a child under eight years of age on a highway in a motor vehicle, as defined in paragraph (1) of subdivision (c) of Section 27315, shall properly secure that child in a rear seat in an appropriate child passenger restraint system meeting applicable federal motor vehicle safety standards.

(b) Except as provided in Section 27363, a parent, legal guardian, or driver who transports a child under two years of age on a highway in a motor vehicle, as defined in paragraph (1) of subdivision (c) of Section 27315, shall properly secure the child in a rear-facing child passenger restraint system that meets applicable federal motor vehicle safety standards, unless the child weighs 40 or more pounds or is 40 or more inches tall. The child shall be secured in a manner that complies with the height and weight limits specified by the manufacturer of the child passenger restraint system.

(c) This section does not apply to a driver if the parent or legal guardian of the child is a passenger in the motor vehicle.

(d) This section shall become operative January 1, 2017.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.