

SANTA ANA POLICE DEPARTMENT

DAVID VALENTIN · CHIEF OF POLICE

TRAINING BULLETIN

"Education promotes professional and responsive law enforcement"

Safety Belt and Child Restraint Use and Enforcement

Purpose

The purpose of this training bulletin is to provide our officers with a summary of California Vehicle Code sections pertaining to all safety belt laws and to act as a guide for enforcing those laws.

Introduction

The Motor Vehicle Safety Act was adopted by the California State Legislature to reduce highway deaths/injuries and to support vehicle safety standards established by the federal government (CVC 27315 (a)).

One of the most effective measures a person can take to prevent injury or death in a vehicle collision is to be appropriately restrained by a child safety seat, a booster seat or a safety belt. National Highway Transportation Safety Administration (NHTSA) statistics reveal that in 2006 there were 30,521 passenger vehicle fatalities. Of those fatalities, 55 percent (16,792) were unrestrained people in a passenger car. Further studies show that proper use of a child safety seat can reduce fatal injuries by as much as 71 percent for infants (under 1 year), 54 percent for toddlers (1 to 4 years), and by 50 percent for child passengers sitting in the front seat of a passenger car.

Studies show that strong safety belt and child restraint enforcement increases compliance with the law and reduces the likelihood of injury or death in traffic collisions.

I. Child Safety Laws

A. CVC 27360 (a)

A parent, legal guardian, or driver shall not transport on a highway in a motor vehicle, a child or ward who is under the age of eight without properly securing that child in the rear seat and in an appropriate child passenger restraint system meeting applicable federal motor vehicle safety standards.

B. CVC 27360 (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. CVC 27360.5 (a)

A parent, legal guardian, or driver shall not transport on a highway in a motor vehicle, a child or ward who is eight years of age or older, but less than 16 years of age, without properly securing that child or ward in an appropriate child passenger restraint system or safety belt meeting applicable federal motor vehicle safety standards.

D. CVC 27360.5 (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.

E. CVC 27361

A law enforcement officer reasonably suspecting a violation of CVC 27630 or 27360.5, or both, may stop a vehicle transporting a child appearing to the officer to be within the age specified in CVC 27360 or 27360.5. The officer may also issue a notice to appear for a violation of CVC 27360 or 27360.5.

F. CVC 27363(f)

A child shall NOT be transported in a rear facing child passenger restraint system in the front seat of a motor vehicle that is equipped with an active frontal passenger air bag.

II. Exceptions

A. CVC 27363 (d)

A child or ward under the age of eight who is 4'9" in height or taller may be properly restrained by a safety belt rather than a child passenger restraint system.

B. CVC 27363 (e)

A child or ward under the age of eight may ride in the front seat of a motor vehicle, if properly secured in a child passenger restraint system, under the following circumstances:

- (1) There is no rear seat.
- (2) The rear seats are side-facing jump seats.

- (3) The rear seats are rear-facing seats.
- (4) The child passenger restraint system cannot be properly installed in the rear seat.
- (5) All rear seats are already occupied by children under the age of eight.
- (6) 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.

III. Child Safety Seat Use

Simply having a child in a Child Safety Seat (CSS) is not good enough. If the seat is improperly installed, not correctly sized for the child or damaged in any way, the level of protection provided is diminished. In order to maximize the benefit obtained, the seat must be compatible with the particular vehicle in which it is used, it must be of appropriate size and style to fit the child, and it must be properly positioned and secured in the vehicle.

Infants must be secured in a rear-facing infant carrier or convertible carrier with a five point harness (birth to 20 lbs.) until the age of one year. **The rear-facing position is recommended for children one year and under 20 lbs. as it reduces the risk of cervical spine injuries in the event of a collision.**

Children at least 20 lbs. and one year of age may be forward facing in a safety seat with a five point harness in the rear seat of a vehicle. When properly installed, a child safety seat should move less than one inch from side to side at the path of the lap belt securing the child safety seat. The safety seat harness must not be loose enough to allow a person to pinch a fold of the safety seat harness away from the child's body. The harness should be snug and the retainer clip must be adjusted at armpit level and away from the child's throat.

Combination child safety seats or booster seats are appropriate for children 3 or 4 years of age or 30-125 lbs. and must be used in conjunction with the vehicle's rear seat shoulder-lap belt harness. **It is recommended that booster seats should not be used with just a lap belt.**

***All child safety seats are labeled with the manufacturer's minimum age and weight requirement for the use of the child safety seat.**

IV. Five-Step Test

Safety Belt Safe U.S.A. has developed a five-step test to determine if a child is properly secured in a child safety seat:

1. Does the child sit all the way back against the vehicle's seat?
2. Do the child's knees bend comfortably at the edge of the seat?
3. Is the lap belt below the abdomen, touching the child's thighs?
4. Is the shoulder belt centered on the shoulder and chest?
5. Can the child remain comfortably seated like this for the entire trip?

If you answer no to any of these questions, the child is not properly secured by the shoulder-lap belt and should be in a booster seat regardless of age or weight.

V. Seat Belt Laws

A. CVC 27315(d)

- (1) A person shall not operate a motor vehicle on a highway unless that person and all passengers 16 years of age or over are properly restrained by a safety belt.
- (2) **For the purposes of this section the phrase, “properly restrained by a safety belt” means 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.**

Department Order 710 extends this requirement to all department personnel. The National Law Enforcement Officers Memorial Fund (NLEOMF) reported in 2011, 42 police officers were killed in an automobile collision, nine (21%) of which were not wearing a seatbelt.

B. CVC 27315(e)

A person 16 years of age or over shall not be a passenger in a motor vehicle on a highway unless that person is properly restrained by a safety belt. This section allows an officer to issue a Notice to Appear to an unsecured passenger 16 years of age or older.

Summary

This Training Bulletin provides an overview of some of the recent changes to California Law regarding the use of safety belts and child restraints. In 2010, NHTSA reported that 96.2 percent of all California drivers were compliant with safety belt laws. However, strict enforcement of seatbelt laws, as well as educational programs will only lead to more compliance with the law and reduces the rate of unnecessary death and injury to the motoring public.

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