

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

Senate Bill 258

BY SENATORS IHLENFELD, WOELFEL, BALDWIN, AND

STOLLINGS

[Introduced January 10, 2020; referred
to the Committee on Transportation and
Infrastructure]

1 A BILL to amend and reenact §17C-15-46 of the Code of West Virginia, 1931, as amended,
2 relating to when child passenger safety devices are required.

Be it enacted by the Legislature of West Virginia:

ARTICLE 15. EQUIPMENT.

§17C-15-46. Child passenger safety devices required; child safety seats and booster seats.

1 (a) Every driver who transports a child who is both under the age of eight years and shorter
2 than four feet nine inches in a passenger automobile, van or pickup truck other than one operated
3 for hire shall, while the motor vehicle is in motion and operated on a street or highway of this state,
4 provide for the protection of the child by properly placing, maintaining, and securing the child in a
5 child passenger safety device system meeting applicable federal motor vehicle safety standards.
6 ~~Provided, That if a child is under the age of eight years and at least four feet nine inches tall, a~~
7 ~~safety belt shall be sufficient to meet the requirements of this section~~

8 (b) Any person who violates any provision of this section is guilty of a misdemeanor and,
9 upon conviction thereof, shall be fined not less than \$10 nor more than \$20.

10 (c) A violation of this section does not by virtue of the violation constitute evidence of
11 negligence or contributory negligence or comparative negligence in any civil action or proceeding
12 for damages.

13 (d) If any provision of this section or the application thereof to any person or circumstance
14 is held invalid, the invalidity may not affect other provisions or applications of this section and to
15 this end the subsections of this section are declared to be severable.

16 (e) If all seat belts in a vehicle are being used at the time of examination by a law officer
17 and the vehicle contains more passengers than the total number of seat belts or other safety
18 devices as installed in compliance with federal motor vehicle safety standards, the driver may not
19 be considered in violation of this section.

NOTE: The purpose of this bill is to require every driver, when transporting a child who is

both under the age of eight and shorter than four feet nine inches, to secure the child in a child passenger safety device system meeting applicable federal motor vehicle safety standards.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.