

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2005

ENROLLED

Committee Substitute for
SENATE BILL NO. 414

(By Senators Tomblin, Mr. President, and Sprouse, &
By Request of the Executive)

PASSED April 7, 2005

In Effect ninety days from Passage

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 414

(BY SENATORS TOMBLIN, MR. PRESIDENT, AND SPROUSE,
BY REQUEST OF THE EXECUTIVE)

[Passed April 7, 2005; in effect ninety days from passage.]

AN ACT to amend and reenact §17C-15-46 of the Code of West Virginia, 1931, as amended, relating to the use of child safety booster seats for children under eight years of age unless the child is at least four feet nine inches tall or taller.

Be it enacted by the Legislature of West Virginia:

That §17C-15-46 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 15. EQUIPMENT.

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

- 1 Every driver who transports a child under the age of
- 2 eight years in a passenger automobile, van or pickup truck
- 3 other than one operated for hire shall, while the motor

4 vehicle is in motion and operated on a street or highway of
5 this state, provide for the protection of the child by
6 properly placing, maintaining and securing the child in a
7 child passenger safety device system meeting applicable
8 federal motor vehicle safety standards: *Provided*, That if
9 a child is under the age of eight years and at least four feet
10 nine inches tall, a safety belt shall be sufficient to meet the
11 requirements of this section.

12 Any person who violates any provision of this section is
13 guilty of a misdemeanor and, upon conviction thereof,
14 shall be fined not less than ten dollars nor more than
15 twenty dollars.

16 A violation of this section does not by virtue of the
17 violation constitute evidence of negligence or contributory
18 negligence or comparative negligence in any civil action or
19 proceeding for damages.

20 If any provision of this section or the application thereof
21 to any person or circumstance is held invalid, the invalid-
22 ity may not affect other provisions or applications of this
23 section and to this end the subsections of this section are
24 declared to be severable.

25 If all seat belts in a vehicle are being used at the time of
26 examination by a law officer and the vehicle contains
27 more passengers than the total number of seat belts or
28 other safety devices as installed in compliance with federal
29 motor vehicle safety standards, the driver may not be
30 considered in violation of this section.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chandy White
.....
Chairman Senate Committee

D. Richard Berry
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Daniel Stephens
.....
Clerk of the Senate

Bryce W. Sord
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within is approved this the 21st
Day of April, 2005.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

APR 15 2005

Time

4:00 pm