

# Child Passenger Safety Law in California: Frequently Asked Questions

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## **What is the updated child passenger safety law in California?**

**NEW!** Effective January 1, 2012, all children *under age 8* must be properly buckled into a car seat or booster in the back seat.

Children age 8 and older may use the vehicle seat belt if it fits properly, with the lap belt low on the hips touching the upper thighs and the shoulder belt crossing the center of the chest. Children who are not tall enough for proper fit must ride in a booster or car seat.

Everyone in the car must be properly buckled up. For each child under 16 who is not properly secured, parents (if in the car) or drivers can be fined more than \$475 and get a point on their driving records.

## **What is a booster seat?**

A booster seat is a seat that “boosts” the child up so that the seat belt fits properly. This seat gives the child a taller sitting height, which repositions the shoulder and lap belts across the strongest bones of the child’s body. For proper fit, the lap belt must ride low on the hips, touching the upper thighs, and the shoulder belt must cross the center of the chest. Booster seats must be used with a seat belt that has a lap and shoulder component, never with a lap belt only.

## **Why does my child need to ride in a booster seat?**

Car crashes kill more children 4 to 8 years old than anything else. Seat belts are designed for adults and do not properly fit children. A seat belt that doesn’t fit properly won’t protect your child in a crash! Booster seats reduce injury risk for children 4-8 years old by 45% compared to seat belts alone.

## **Is there a weight exemption for booster seats?**

No. Most current seats with a harness fit a child up to 50 pounds or more. Once a child outgrows the car seat (follow the manufacturer’s instructions for your child’s car seat), height is the determining factor. Until children fit properly in the seat belt they must be properly buckled into a car seat or booster.

## **Do booster seats fit in all vehicles?**

Booster seats fit in most vehicles, but must not be used in a seating position that has only a lap belt. Backless booster seats are appropriate for automobile seats that have a head restraint, while high back boosters are appropriate for automobile seats with or without a head restraint. Read your car owner’s manual to find out if there are any seating positions that are unsuitable for a booster seat.

## **How available are booster seats?**

Booster seats are widely available at stores such as discount retailers and specialty baby stores, as well as the internet. Additionally, booster seats are affordable, with backless boosters starting at about \$15 and high back boosters starting at \$20. Many forward-facing car seats can be converted to a booster seat, so no additional seats need be purchased. To find out if a child’s car seat converts to a booster seat, please follow the car seat instruction manual.

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## When must my child start using a booster seat?

Once children outgrow their car seats (according to the car seat manufacturer's instructions for height and weight) they must begin using a booster seat.

## My child started using a seat belt when he turned 6. What do I say to get him back into a booster seat?

- "Booster seats are made especially for big kids like you."
- "You'll be able to see out the window better."
- "It's the law! All your friends will be in booster seats, too!"
- "You'll be more comfortable in a booster because the belt won't rub against your face and neck."
- "I love you and I don't want you to get hurt in a crash."

## Will my child be ready for a seat belt at age 8?

Use this simple 5-step test to determine if your child can safely ride in a seat belt alone.

### 5-Step Test:

1. Can the child sit all the way back against the auto seat?
2. Do the child's knees bend naturally over the seat cushion edge?
3. Does the lap belt cross the top of the hips/thighs, not the tummy?
4. Is the shoulder belt centered on the shoulder and chest?
5. Can the child stay seated in this position the whole trip?

If you cannot answer "yes" to all 5 steps above, your child must remain in a booster seat until the seat belt fits properly. Your child's weight is not a factor in determining proper fit.

## Are there different kinds of booster seats available?

There are two kinds of booster seats, high-back belt-positioning and backless belt-positioning booster seats.

### High-back booster seats:

- One type provides head and neck support for your child if your vehicle seat back does not have a head rest. It will support a sleeping child's head. It must be used with the vehicle's lap/shoulder belt, *never with the lap belt only*.
- The other, a combination seat, converts from a forward-facing toddler seat with harness straps to a booster seat. When the child outgrows the harness system at around 40-50 pounds (follow the manufacturer's instructions), remove the harness and use the seat as a booster seat with the vehicle's lap/shoulder belt.

### Backless belt-positioning booster seat:

- This type also "boosts" your child up so the vehicle safety belt fits better. This booster seat is used with a lap/shoulder belt and should only be used in vehicles with built-in head rests. This booster should be used only if your child is able to stay in an upright position without falling over (i.e. when he/she falls asleep). If your child is unable to sit still or stay in an upright position without falling over, you may want to consider using a high-back booster.

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## **What about cars with only lap belts in the back seat?**

Never use a booster with only lap belts. If your car only has lap belts, use a forward-facing car seat with a harness and higher weight limits. You might also consider buying another car with lap and shoulder belts in the back seat.

## **Does the law apply to out of state vehicles driving in California?**

Yes. The law does not exempt vehicles traveling through the state. California residents should check on other states' laws when traveling to those states. Visit [www.iihs.org/laws/state\\_laws/restrain2.html](http://www.iihs.org/laws/state_laws/restrain2.html) for information on child passenger safety laws in other states.

## **Are children riding on school buses required to be in car seats or booster seats?**

No. School buses are currently exempt in California's child restraint law and they will continue to be exempt. School buses are among the safest form of transportation available to children.

## **Why aren't there seat belts on all school buses?**

California requires belts in large buses made in July 2005 or later. Smaller buses may be equipped with shoulder and lap belts and may require car seats or boosters.

## **What happens if I don't comply with this law?**

In addition to placing your child at risk of injury or death in case of a crash, you will receive a ticket, pay a minimum fine of \$475, and get a point on your driving record.

## **Where can I find car seat and booster seat product information that will help me select the best car seat or booster for my child?**

Keep in mind that no single seat or booster is the "best" or "safest". The best seat is the one that fits your child's size, is correctly installed, fits well in your vehicle, and is used properly every time you drive. Don't decide by price alone. A higher price does not mean the seat is safer or easier to use.

- Go to the American Academy of Pediatrics (AAP): <http://www.healthychildren.org/English/Pages/default.aspx> for comprehensive up-to-date information about car seats and boosters.
- For a complete product listing of car seats and boosters go to: <http://www.healthychildren.org/English/safety-prevention/on-the-go/Pages/Cars-Safety-Seats-Product-Listing.aspx>

## **How can I be sure I have installed the car seat or booster seat correctly and that it fits my child properly?**

Trained car seat technicians are available to help you install your car or booster seat and ensure a proper fit for your child. Go to <http://www.nhtsa.gov/cps/cpsfitting/index.cfm> to find a car seat fitting station near you.

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## **What if I have more children than the number of rear seats available?**

Children under 8 may ride in the front if there is no forward-facing rear seat in the vehicle, the car seat or booster cannot be properly installed in the rear seat, all rear seats are occupied by other children age 7 or under, or for medical reasons. A child in a rear-facing car seat may not ride in front if there is an active passenger air bag.

## **What else do I need to know to keep my child safe?**

- Infants must be properly buckled in a rear-facing car seat in the back until they are at least 1 year old.
- *Toddlers should remain rear-facing* until they reach 2 years of age or until they reach the upper weight and height limit of the car seat. Always follow the manufacturer's instructions for proper use and fit.
- Do not buy a used car seat. It may have invisible damage from a crash or be on recall.
- If you have a car seat previously used by someone you know, check for recalls, missing parts, and expiration date; make sure you have the instruction booklet.
- Children should ride in the back seat until they are 13 years old.
- Never allow your child to place the shoulder belt behind his/her back or under the arm.
- Never leave your child alone in or around cars.