



City of Buellton Police Department

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New Child Passenger Restraint Laws

Thousands of children are killed and injured every year in traffic collisions because they are not properly restrained in a child restraint seat, a booster seat, or by a seatbelt. These deaths and injuries can be avoided if drivers, parents and guardians educate themselves and take the time to properly restrain children. Most collisions occur within a mile of the home, so restrain your children properly for every trip, no matter how short.

Starting January 1, 2012, children under the age of 8 years old must be properly buckled into a child restraint or booster seat, and put in the back seat.

27360(a) VC

Children under 8 years old, but 4 feet 9 inches tall or taller, may be restrained by a seatbelt only.

27363(d) VC

In addition, children who are 8 years old or older, but under 16 years old, and still not tall enough for the seatbelt to fit properly, must ride in a child restraint or booster seat. The law permits them to ride in the front seat, but the rear seat is still safer.

27360.5(a) VC

Drivers, parents and legal guardians are all responsible to ensure that children are properly restrained. However, the parent or guardian will be cited if they are in the vehicle, even if they are not driving or it is not their vehicle.

27360(b) VC & 27360.5(b) VC

According to the California Office of Child Safety, a child fits an adult seat belt when:

- They can sit against the vehicle seat back with their knees bent, without slouching, and can comfortably stay in this position throughout the trip.
- The lap belt is low on the hips, touching the upper thighs, and the shoulder belt crosses the chest, but is not on the face or neck.

- The shoulder belt may not be behind their arm or back. Children improperly restrained in this manner could sustain major injuries, including head and spinal cord injuries.
- If the child is putting the shoulder belt behind them, this is a sign that they still need a booster.

Children may ride in the front seat if:

27363(e) VC

- There is no rear seat.
- The rear seats are side-facing jump seats.
- The rear seats are rear-facing seats.
- The child restraint seat cannot be installed properly in the rear seat.
- All rear seats are already occupied by children seven years of age or under.
- Medical reasons necessitate that the child or ward not ride in the rear seat.

However, a child may still not be transported in the front seat, when in a rear-facing child restraint seat, and the front passenger airbag is active. 27363(f) VC

There are three other passenger restraint laws that continue to be in effect:

- The driver is responsible to ensure that he and all passengers 16 years or older are wearing a seatbelt. 27315(d)(1) VC
- A passenger 16 years or older is also responsible for wearing a seatbelt. 27315(e) VC
- The owner of a vehicle is responsible for maintaining seatbelts in good working order. 27315(f) VC

In all cases, the seatbelt must be “properly worn.” This means over the shoulder, not under the arm, and according to the manufacture’s specifications.

Thank you for taking the time to read this and properly restrain your passengers. Please contact us if you have more questions about passenger restraint laws.