WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

ENROLLED
Comm. Sub. for
HOUSE BILL No. 917

(By Mr. Stephens)

Passed April 10, 1981
In Effect Ninety Days from Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 917

(By Mr. Stephens)

[Passed April 10, 1981; in effect ninety days from passage.]

AN ACT to amend article fifteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section forty-six, relating to required use of approved infant car seats; providing a criminal penalty.

Be it enacted by the Legislature of West Virginia:

That article fifteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section forty-six, to read as follows:

ARTICLE 15. EQUIPMENT.

§17C-15-46. Child passenger restraining system required.

1. Every driver who regularly and customarily transports a child under the age of five years in a passenger automobile, van or pickup truck other than one operated for hire, which is registered in this state shall, while such motor vehicle is in motion and operated on a public road, street or highway of this state, provide for the protection of such child by properly placing, maintaining and securing such child in a child pas-
senger restraining system meeting applicable federal motor
vehicle safety standards in effect on the effective date of this
section, including without limitation, a car bed or a car seat
meeting such standards: Provided, That if such child is be-
tween the age of three and five, a seat belt shall be sufficient
to meet the requirements of this section.

Any person who violates any provision of this section
is guilty of a misdemeanor, and, upon conviction thereof, shall
be fined not less than ten dollars nor more than twenty
dollars. Penalties shall not be applied to those drivers who
show reasonable proof that they have purchased a child
restraint device within thirty days after violation.

A violation of this section shall not be deemed by virtue
of such violation to constitute evidence of negligence or
contributory negligence or comparative negligence in any civil
action or proceeding for damages.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

R. P. Boykin  
Chairman Senate Committee

Jerry E. Mitchell  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. C. Smith  
Clerk of the Senate

W. Blankenship  
Clerk of the House of Delegates

W. K. LaFollette  
President of the Senate

J. J. Lewis  
Speaker House of Delegates

The within _______________ this the ______________ day of ______________, 1981.

______________________  
Governor