

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-28-81

Time _____

Ms: 917

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981



ENROLLED

Com. 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
2 child under the age of five years in a passenger automobile,
3 van or pickup truck other than one operated for hire, which
4 is registered in this state shall, while such motor vehicle is in
5 motion and operated on a public road, street or highway of
6 this state, provide for the protection of such child by properly
7 placing, maintaining and securing such child in a child pas-

8 senger restraining system meeting applicable federal motor
9 vehicle safety standards in effect on the effective date of this
10 section, including without limitation, a car bed or a car seat
11 meeting such standards: *Provided*, That if such child is be-
12 tween the age of three and five, a seat belt shall be sufficient
13 to meet the requirements of this section.

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

20 A violation of this section shall not be deemed by virtue
21 of such violation to constitute evidence of negligence or
22 contributory negligence or comparative negligence in any civil
23 action or proceeding for damages.

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

R. P. Bayler
Chairman Senate Committee

Tommy E. Whetton
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Gold C. Stiles
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates
Wm. R. Hooper
President of the Senate

Walter G. Lee, Jr.
Speaker House of Delegates

The within *is approved* this the *28*
day of *April*, 1981.

John R. Rhyne
Governor

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OFFICE OF THE GOVERNOR

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OFFICE
STATE
SECY. OF