WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1984

ENROLLED
SENATE BILL NO. 674
(By Mr. [Signature]
March 7, 1984
In Effect ninety days from Passage
AN ACT to amend article two, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section six, relating to authorizing county, municipal and combined boards of health to retain and make available child safety car seats, to collect reasonable rental and deposit fees for the use of such child safety seats and to conduct public information and educational activities to make the public aware of the need and potential benefits of using such child safety seats; and granting civil and criminal immunity to such boards, their agents and employees making such child safety seats available.

Be it enacted by the Legislature of West Virginia:

That article two, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted by adding thereto a new section, designated section six, to read as follows:

ARTICLE 2. LOCAL HEALTH OFFICERS.

§16-2-6. Local boards of health authorized to make available child safety car seats; requirements for renting and loaning such seats; immunity from liability.

(a) Any county, municipal or combined board of health, whether created and maintained pursuant to the provi-
sions of this article or article two-a of this chapter, shall be authorized to:

(1) Retain and make available child safety car seats;

(2) Collect such reasonable rental and security deposit fees to cover the expenses of retaining and making available child safety car seats;

(3) Conduct public information and education activities designed to convey the need for and potential benefit of the use of child safety car seats and prevent misuse of child safety car seats.

(b) Any county, municipal or combined board of health offering a child safety care seat program pursuant to this section shall:

(1) Thoroughly examine each seat before it is rented or loaned out and document, in writing, such examination;

(2) Provide written and verbal instructions for proper use of the seat to each borrower prior to renting or loaning out a seat to such borrower;

(3) Require each borrower to demonstrate correct use of child safety car seat prior to renting or loaning the seat to such borrower;

(4) Require each borrower to sign a statement indicating that he or she understands how to use the child safety car seat correctly and has so demonstrated; and

(5) Comply with any other requirements which the state board of health may, by regulation, prescribe.

(c) A county, municipal or combined board of health offering a child safety car seat program shall not make available for loan or rental any child safety car seat which the board knows or has reason to believe was in use in a vehicle which was involved in a moderate or severe crash.

(d) This section is not intended to relieve any driver of a motor vehicle of his or her legal duty as prescribed by chapter seventeen-c, article fifteen, section forty-six of this code, to provide for the protection of a child by properly placing, maintaining and securing such child
in a child passenger restraining system meeting applicable federal motor vehicle safety standards.

(e) Any county, municipal or combined board of health or employee or agent there of which offers a child safety car seat program pursuant to this section shall be immune from civil or criminal liability in any action resulting from the improper use or malfunctioning or inadequate maintenance of a child safety car seat or from the improper placement, maintenance or securing of a child in a child safety car seat.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Donald G. Morrell
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Ted C. Stipes
Clerk of the Senate

Donald L. Long
Clerk of the House of Delegates

Wane E. McGraw
President of the Senate

John M. Deeds, Jr.
Speaker House of Delegates

The within is approved this the 30th day of March, 1984.

Governor