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OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1984

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ENROLLED

SENATE BILL NO. 674

(By Mr. McLure, Mr. President & Mr. Burdette)

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PASSED March 7 1984

In Effect ninety days from Passage



# ENROLLED

## Senate Bill No. 674

(BY MR. MCGRAW, MR. PRESIDENT, AND MR. BURDETTE)

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[Passed March 7, 1984; in effect ninety days from passage.]

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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.**

- 1 (a) Any county, municipal or combined board of health,
- 2 whether created and maintained pursuant to the provi-

3 sions of this article or article two-a of this chapter, shall  
4 be authorized to:

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

6 (2) Collect such reasonable rental and security deposit  
7 fees to cover the expenses of retaining and making avail-  
8 able child safety car seats;

9 (3) Conduct public information and education activi-  
10 ties designed to convey the need for and potential benefit  
11 of the use of child safety car seats and prevent misuse  
12 of child safety car seats.

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

16 (1) Thoroughly examine each seat before it is rented  
17 or loaned out and document, in writing, such examina-  
18 tion;

19 (2) Provide written and verbal instructions for proper  
20 use of the seat to each borrower prior to renting or loan-  
21 ing out a seat to such borrower;

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

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

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

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

36 (d) This section is not intended to relieve any driver  
37 of a motor vehicle of his or her legal duty as prescribed  
38 by chapter seventeen-c, article fifteen, section forty-six  
39 of this code, to provide for the protection of a child by  
40 properly placing, maintaining and securing such child

41 in a child passenger restraining system meeting applicable  
42 federal motor vehicle safety standards.

43 (e) Any county, municipal or combined board of health  
44 or employee or agent thereof which offers a child safety  
45 car seat program pursuant to this section shall be immune  
46 from civil or criminal liability in any action resulting  
47 from the improper use or malfunctioning or inadequate  
48 maintenance of a child safety car seat or from the im-  
49 proper placement, maintenance or securing of a child in  
50 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 Anello  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Isid A. Hult  
Clerk of the Senate

Donald L. Hopp  
Clerk of the House of Delegates

Warren R. McHew  
President of the Senate

John M. See, Jr.  
Speaker House of Delegates

The within is approved this the 30

day of March, 1984.

John D. ...  
Governor

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