

70: 1327

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

— ● —

ENROLLED

Com. Sub. for
HOUSE BILL No. 1327

(By Mr. Del Smirl + Del Phillips)

— ● —

Passed March 8, 1986

In Effect July 1, 1986 ~~Passage~~

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 1327
(By DELEGATE SMIRLAND AND DELEGATE PHILLIPS)

[Passed March 8, 1986; in effect July 1, 1986.]

AN ACT to amend and reenact section forty-six, article fifteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to motor vehicles; traffic regulations; public safety; equipment; requiring every driver who transports a child under the age of nine to use a child passenger safety device system.

Be it enacted by the Legislature of West Virginia:

That section forty-six, article fifteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 15. EQUIPMENT.

§17C-15-46. Child passenger safety device required.

1 Every driver who transports a child under the age of
2 nine years in a passenger automobile, van or pickup
3 truck other than one operated for hire, shall, while such
4 motor vehicle is in motion and operated on a street or
5 highway of this state, provide for the protection of such
6 child by properly placing, maintaining and securing
7 such child in a child passenger safety device system
8 meeting applicable federal motor vehicle safety stand-

9 ards: *Provided*, That if such child is between the age of
10 three and eight, both inclusive, a vehicle seat belt shall
11 be sufficient to meet the requirements of this section.

12 Any person who violates any provision of this section
13 is guilty of a misdemeanor, and, upon conviction thereof,
14 shall be fined not less than ten dollars nor more than
15 twenty dollars.

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

21 If any provision of this section or the application
22 thereof to any person or circumstance is held invalid,
23 such invalidity shall not affect other provisions or
24 applications of this section, and to this end the subsec-
25 tions of this section are declared to be severable.

26 If all seat belts in a vehicle are being used at the time
27 of examination by a law officer and the vehicle contains
28 more passengers than the total number of seat belts or
29 other safety devices as installed in compliance with
30 federal motor vehicle safety standards, the driver shall
31 not be considered as violating this section.

[Enr. Com. Sub. for H. B. 1327 3

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

Bruce O. Wilton
Chairman Senate Committee

Floyd Fuller
Chairman House Committee

Originating in the House.

Takes effect July 1, 1986.

Isaac C. Smith
Clerk of the Senate

Donald J. Vopp
Clerk of the House of Delegates

Don Tomlinson
President of the Senate

Joseph P. Allright
Speaker of the House of Delegates

The within approved this the 25th
day of March, 1986.

Arch A. Moore Jr.
Governor

PRESENTED TO THE

GOVERNOR

Date 3/21/86

Time 4:47pm

RECEIVED

1986 MAR 28 PM 4:25

OFFICE OF THE
SECRETARY OF STATE

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/26/86