WEST VIRGINIA LEGISLATURE
Regular Session 2003

ENROLLED

SENATE BILL NO. 182

(By Senators Poe, McCabe, Hunter and White)

PASSED - February 25, 2003

In Effect - July 1, 2003 - Passage
ENROLLED

Senate Bill No. 182

(BY SENATORS ROWE, MCCABE, HUNTER AND WHITE)

[Passed February 25, 2003; to take effect July 1, 2003.]

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 child passenger safety seats, booster seats and safety devices; requiring every driver transporting children less than nine years of age in certain motor vehicles to maintain and secure the child in a child passenger safety seat or booster seat or other safety device meeting federal motor vehicle safety standards; and providing that a seat belt meets this requirement for children at least four years of age or over forty pounds in weight.

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.

1. Every driver who transports a child under the age of nine years in a passenger automobile, van or pickup truck other than one operated for hire shall, while such motor vehicle is in motion and operated on a street or highway of this state, provide for the protection of such child by properly placing, maintaining and securing such child in a child passenger safety device system meeting applicable federal motor vehicle safety standards: Provided, That if a child is at least four years of age or at least forty pounds in weight, a safety belt shall be sufficient to meet the requirements of this section.

2. 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.

3. 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.

4. If any provision of this section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this section and to this end the subsections of this section are declared to be severable.

5. If all seat belts in a vehicle are being used at the time of examination by a law officer and the vehicle contains more passengers than the total number of seat belts or other safety devices as installed in compliance with federal motor vehicle safety standards, the driver shall not be considered as violating this section.
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect July 1, 2003.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 9th Day of March, 2003.

Governor