**South Carolina General Assembly**

120th Session, 2013-2014

**H. 5004**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Erickson, M.S. McLeod, Long, Spires, Munnerlyn, Whipper, Dillard, Hayes, Hosey, V.S. Moss, Rivers, Sandifer and Wells

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Introduced in the House on March 27, 2014

Currently residing in the House Committee on **Education and Public Works**

Summary: Child passenger restraint systems

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/27/2014 House Introduced and read first time ([House Journal‑page 10](file:///H:\HJ%20Archive\2014\03-27-14.docx))

3/27/2014 House Referred to Committee on **Education and Public Works** ([House Journal‑page 10](file:///H:\HJ%20Archive\2014\03-27-14.docx))

**VERSIONS OF THIS BILL**

[3/27/2014](file:///p:\pprever\2013-14\5004_20140327.docx)

**A** **BILL**

TO AMEND SECTIONS 56‑5‑6410 AND 56‑5‑6420, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CHILD PASSENGER RESTRAINT SYSTEMS, SO AS TO INCREASE THE AGE FOR WHICH A CHILD MUST BE SECURED IN A PASSENGER RESTRAINT SYSTEM FROM FIVE YEARS OLD TO SEVEN YEARS OLD, TO ADD CERTAIN HEIGHT REQUIREMENTS, TO PROHIBIT A CHILD FROM OCCUPYING THE FRONT PASSENGER SEAT UNTIL THE CHILD IS TWELVE YEARS OLD INSTEAD OF FIVE YEARS OLD, AND TO MAKE CONFORMING CHANGES.

Whereas, motor vehicle crashes remain the leading cause of death for children ages one to nineteen; and

Whereas, South Carolina’s motor vehicle death rate per 100,000 is 19.7 as compared to a national average of 11.7; and

Whereas, motor vehicle traffic accidents account for forty‑nine percent of all unintentional deaths to children ages five to nine; and

Whereas, total crash‑related death costs in South Carolina for people less than twenty years old equals at least two hundred million dollars annually; and

Whereas, a child riding unrestrained in a motor vehicle is the greatest risk factor for death and injury among child occupants; and

Whereas, more than half of children who die in motor vehicle crashes are not secured in any type of restraint; and

Whereas, the proper use of age‑ and size‑appropriate child restraint systems is the most effective way to minimize injuries and fatalities to children. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Sections 56‑5‑6410 and 56‑5‑6420 of the 1976 Code are amended to read:

“Section 56‑5‑6410. Every driver of a motor vehicle (passenger car, pickup truck, van, or recreational vehicle) operated on the highways and streets of this State when transporting a child ~~five~~ seven years of age or younger upon the public streets and highways of the State must provide an appropriate child passenger restraint system and must secure the child as follows:

(1) A child from birth up to ~~one year~~ two years of age ~~or who weighs less than twenty pounds~~ must be properly secured in a rear‑facing child safety seat which meets the standards prescribed by the National Highway Traffic Safety Administration until the child’s height or weight exceeds the limits established by the manufacturer of the rear‑facing child passenger safety seat, whichever occurs first.

(2) A child who is at least one year of age but less than ~~six~~ eight years of age ~~and who weighs at least twenty pounds but less than forty pounds~~, that exceeds the limits set forth in item (1), must be secured in a forward‑facing child safety seat with a harness ~~provided in the motor vehicle~~ which meets the standards prescribed by the National Highway Traffic Safety Administration. Once the child’s height or weight exceeds the limits established by the manufacturer of the forward‑facing child safety passenger seat, the child must be placed in a seat‑belt positioning booster seat. The belt positioning booster seat must be used with both lap and shoulder belts. Notwithstanding the age limits provided in this item, a child must be secured pursuant to this item until the child meets the requirements of item (3).

(3) A child who is at least ~~one year~~ eight years of age ~~but less than six years of age and who weighs at least forty pounds but not more than eighty pounds must be secured by a belt‑positioning booster seat. The belt‑positioning booster seat must be used with both lap and shoulder belts. A booster seat must not be used with a lap belt alone~~, who is at least fifty‑seven inches tall, and is capable of sitting straight against the vehicle back seat cushion with his knees bent over the vehicle’s seat edge without slouching and without the shoulder belt rising above the child’s collarbone, must be secured by an adult safety belt in a back passenger seat in the vehicle.

(4) ~~If a child is at least one year of age but less than six years of age and weighs more than eighty pounds, the child may be restrained in an adult safety belt. If a child less than six years of age can sit with his back straight against the vehicle seat back cushion, with his knees bent over the vehicle’s seat edge without slouching, the child may be seated in the regular back seat and secured by an adult safety belt.~~

~~(5)~~ A child who is less than ~~six~~ thirteen years of age must not occupy a front passenger seat of a motor vehicle. This restriction does not apply if the motor vehicle does not have rear passenger seats or if all rear passenger seats are occupied by other children less than ~~six~~ thirteen years of age.

Any child restraint system of a type sufficient to meet the physical standards prescribed by the National Highway Traffic Safety Administration at the time of its manufacture is sufficient to meet the requirements of this article.

Section 56‑5‑6420. If all the seating positions with restraint devices are occupied by children under the age of ~~six~~ eight years, a child may be transported and the driver of the motor vehicle is not in violation of the provisions of this article, but priority must be given to children under the age of ~~six~~ eight years, according to their ages.”

SECTION 2. This act takes effect on the first day of the month beginning ninety days after approval by the Governor.

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