

FILED

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

Regular Session, 2003



**ENROLLED**

**SENATE BILL NO.** 182

**(By Senators** Rowe, McCabe, Hunter and White **)**



**PASSED** February 25, 2003

**In Effect** July 1, 2003 **Passage**

2003 MAR 7 11 11 AM  
SENATE

**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.**

**§17C-15-46. Child passenger safety devices required; child safety seats and booster seats.**

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

12 Any person who violates any provision of this section is  
13 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 virtue  
17 of such violation to constitute evidence of negligence or  
18 contributory negligence or comparative negligence in any  
19 civil action or proceeding for damages.

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

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

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

*Calley W. ...*  
.....  
Chairman Senate Committee

*Sharon Spence*  
.....  
Chairman House Committee

Originated in the Senate.

To take effect July 1, 2003.

*Darrell Holmes*  
.....  
Clerk of the Senate

*Bryan ...*  
.....  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
.....  
President of the Senate

*Forbes*  
.....  
Speaker House of Delegates

The within *is approved* this the *7<sup>th</sup>*  
Day of *March*, 2003.

*Phillips*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/4/03

Time 3:50 pm