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COMMITTEE REPORT

March 29, 2017

**H. 3864**

Introduced by Reps. Bernstein, Collins, Erickson, King and Elliott

S. Printed 3/29/17--H.

Read the first time February 28, 2017.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3864) to amend Sections 56‑5‑6410 and 56‑5‑6420, Code of Laws of South Carolina, 1976, relating to the requirement that certain children must be, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND SECTIONS 56‑5‑6410 AND 56‑5‑6420, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT CERTAIN CHILDREN MUST BE SECURED IN A CHILD PASSENGER RESTRAINT SYSTEM WHILE TRAVELING IN A MOTOR VEHICLE, AND THE TRANSPORTATION OF CHILDREN IN A VEHICLE WITH AN INSUFFICIENT NUMBER OF CHILD RESTRAINT DEVICES, SO AS TO REVISE THE AGE, WEIGHT, AND POSITION OF A CHILD WHO MUST BE SECURED IN A CHILD PASSENGER RESTRAINT SYSTEM.

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

Whereas, South Carolina’s motor vehicle death rate per 100,000 is 20 as compared to a national average of 10.9; and

Whereas, each week approximately one South Carolina child seventeen years of age or younger dies from a preventable transportation‑related incident; and

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

Whereas, child safety seats, when used correctly, can reduce fatalities by seventy‑one percent for infants and fifty‑four percent for toddlers; 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. Section 56‑5‑6410 of the 1976 Code is 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~~ under eight years of age ~~or younger~~ upon the public streets and highways of the State must ~~provide an appropriate child passenger restraint system and must~~ properly secure the child in the vehicle as follows:

(1) ~~A child from birth up to one year 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.~~ An infant or child under two years of age must be properly secured in a rear‑facing child passenger restraint system in a rear passenger seat of the vehicle until the child exceeds the height or weight limit allowed by the manufacturer of the child passenger restraint system being used.

(2) ~~A child who is at least one year of age but less than six years of age and who weighs at least twenty pounds but less than forty pounds must be secured in a forward‑facing child safety seat provided in the motor vehicle which meets the standards prescribed by the National Highway Traffic Safety Administration.~~ A child at least two years of age or a child under two years of age who has outgrown their rear‑facing child passenger restraint system must be secured in a forward‑facing child passenger restraint system with a harness in a rear passenger seat of the vehicle until the child exceeds the highest height or weight requirements of their forward‑facing child passenger restraint system.

(3) ~~A child who is at least one year of age but less than six years of age and who weighs at least forty pounds but not more than eighty pounds who must be secured by a belt‑positioning booster seat.~~ A child at least four years of age who has outgrown their forward‑facing child passenger restraint system seat must be secured by a belt‑positioning booster seat in a rear seat of the vehicle until they can meet the height and fit requirements for an adult safety seat belt as described in item (4).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.

(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.~~ A child at least eight years of age and at least fifty‑seven inches tall may be restrained in an adult safety belt if the child can be secured properly by an adult safety seat belt. A child is properly secured by an adult safety seat belt when:

(a) the lap belt fits across the child’s thighs and hips and not across the abdomen;

(b) the shoulder belt crosses the center of the child’s chest and not the neck; and

(c) the child is able to sit with his back straight against the vehicle seat back cushion with his knees bent over the vehicle’s seat edge without slouching.

(5) ~~A child who is less than six 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 years of age.~~ For medical reasons that are substantiated with written documentation from the child’s physician, advanced nurse practitioner, or physician assistant, a child who is unable to be transported in a standard child passenger safety restraint system may be transported in a child passenger safety restraint system designed for their medical needs.

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 2. Section 56‑5‑6420 of the 1976 Code is amended to read:

“Section 56‑5‑6420. ~~If all the seating positions with restraint devices are occupied by children under the age of six 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 years, according to their ages~~ If a motor vehicle lacks a rear passenger seat or if all of its rear seating positions are occupied by children under eight years of age, a child under eight years of age may be transported in the front seat of the motor vehicle if they are secured properly in an appropriate child passenger seat for their size as described in Section 56‑5‑6410(1), (2), or (3).”

SECTION 3. This act takes effect upon approval by the Governor.

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