

## WEST VIRGINIA'S SEAT BELT LAW

§17C-15-49

It is unlawful for a person to operate a passenger vehicle on a public street or highway of this state unless the person, any passenger in the back seat under eighteen years of age, and any passenger in the front seat of such passenger vehicle is restrained by a safety belt meeting applicable federal motor vehicle safety standards.

The penalty for violation of the safety belt law is \$25.00. Points will not be added to an operator's license for violation of this law.

Violation of this law is not evidence of negligence in court; however, the courts may reduce a claimant's damages for failure to wear a safety belt.



**Child**  
Passenger Safety  
PROGRAM of WEST VIRGINIA

## WEST VIRGINIA'S CHILD PASSENGER SAFETY LAW

§17C-15-46

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

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.

A violation of this section does not by virtue of such violation constitute evidence of negligence, contributory negligence, or comparative negligence in any civil action or proceeding for damages.

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.

## ADDITIONAL GUIDANCE

- ⚙ Never place a rear-facing car seat in front of an active air bag.
  - **BEST PRACTICE:** Children should ride in the back seat until age 13.
  - **DID YOU KNOW?** Pick-up trucks can be tricky! Check your vehicle manual for instructions on installing a car seat in your truck, as some trucks may not allow car seats in certain positions.
- ⚙ Be mindful of weight and height more than age when moving up to the next seat.
  - **BEST PRACTICE:** Children should ride rear-facing until at least age 2.
  - **DID YOU KNOW?** Children can ride rear-facing much longer than the age of 2 depending on their size. Do not move your child from their existing seat until they outgrow the height OR weight limit of the seat.
- ⚙ At around age 4 and 40 pounds, a booster seat may be used.
  - **BEST PRACTICE:** Do not move your child out of a 5-point harness until they outgrow the height OR weight limit of that seat and harness.
  - **DID YOU KNOW?** Some children, although technically the right size to fit into a booster, are not mature enough to use a booster with a seat belt correctly. The 5-point harness should be used as long as possible.
- ⚙ **LAW:** Children should ride in a child safety seat until they are at least 8 years old or 4'9" tall.
  - **BEST PRACTICE:** All children are different. Your child may not be able to sit in the vehicle seat correctly with only a seat belt. You can find The 5 Step Test online and use it to determine if your child is ready for a seat belt alone.

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# Seat Belts, Child Restraints, and The Law

Occupant Protection  
Information  
for All Seasons of Life!

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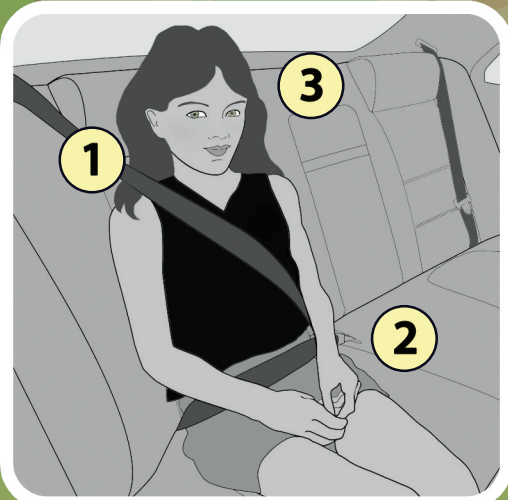
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# What Everyone Should Know About Seat Belts

1. Buckling up correctly is the single most effective thing you can do to protect yourself in a crash. Being ejected out of a vehicle in a crash is almost always fatal.
2. Air bags are designed to work with seat belts, not replace them. If you don't wear your seat belt, you could be thrown into a rapidly opening frontal air bag; a movement of such force could injure or even kill you. See [www.nhtsa.gov](http://www.nhtsa.gov) for more on air bag safety.
3. Know how to buckle up safely. The lap belt and shoulder belt should be secured across the pelvis and rib cage, which are much more capable of withstanding crash forces than other parts of your body.
4. Before you buy a new car, check to see that its seat belts are a good fit for you. Ask the dealer about seat belt adjusters, which can help you get the best fit. If you drive an older model car that has lap belts only, or if you need a better fitting belt, contact your vehicle's manufacturer for more information.

## CORRECT SEAT BELT PLACEMENT



1. Shoulder belt is centered on the collar bone.
2. Lap belt is positioned on the hips.
3. Passenger is of sufficient height to sit with their back against the seat, knees bent at the end of the seat, and feet touching the floor.

# Choose the CORRECT Safety Seat for Your Child



## Infant Seat

An infant seat is the smallest and lightest safety seat, made with a carrying handle for easy infant transport. Most are designed for infants weighing up to 35 pounds, depending on the brand and model.

An infant seat is to be used as rear-facing only.



## Convertible Seat

A convertible seat is a more versatile seat that is capable of being used as rear-facing or forward-facing.

A convertible seat is used for infants and toddlers and can be used to rear-face longer, depending on the brand and model.



## All-In-One Seat

These seats are more versatile than the infant or convertible seats. Accommodating infants and toddlers, these seats can be used as rear-facing, forward-facing, and as a booster seat.



## Forward-Facing Combination Seat

These seats are forward-facing only and are equipped with a five-point harness system. When your child outgrows the harness, it can be removed. The seat can then be used with a lap and shoulder seat belt as a booster seat.



## High-Back Booster Seat

A booster seat is used when your child has outgrown a five-point harness. They are used with a lap and shoulder seat belt as the restraint. A high-back booster seat is equipped with belt-positioners and padded head supports.



## Backless Booster Seat

These seats boost your child for correct positioning of the lap and shoulder belt. They can only be used in vehicle seats with head rests.

## CORRECT SEAT BELT PLACEMENT WITH BACKLESS BOOSTER SEATS



1. Shoulder belt is centered on the collar bone.
2. Lap belt is positioned on the hips.
3. Child has adequate head support from seat, and ears are not higher than seat back.

## SAFETY INFORMATION Facts to Remember About Child Passengers

- The best car seats are ones that fit the child, fit the vehicle, and are used correctly every time.
- Always refer to your specific car seat manufacturer's instructions. Read the vehicle owner's manual on how to install the car seat using the seat belt or LATCH system, and check height and weight limits.
- Replace any car seat or booster seat that has been in a crash; they may have defects you cannot see.
- The child should have adequate head support and not be higher than the vehicle's seat back. When using a backless booster seat, the child's ears should not be higher than the vehicle seat's head rest. If using a high-back booster seat, the child's ears should not be higher than the booster back or vehicle head rest.

