



Driving on the Right Side of the Road Safety Belts and Child Safety Seats



Motor vehicle traffic crashes are the leading cause of death for every age 3 through 6 and 8 through 34.¹ Safety belts save lives. If you are in the front seat during a crash, wearing a safety belt improves your chance of survival by 50 percent.² Wearing lap and shoulder belts, combined with air bags, is the most effective way to reduce fatalities and serious injuries in traffic collisions. In 2010, safety belts saved an estimated 12,546 lives of people age 5 or older.³ Most cars and pickup trucks are equipped with safety belts in every seating position.

Despite advances in highway and vehicle design, as well as increased safety restraint use, an additional 3,341 lives could have been saved by wearing a safety belt, and an additional 50 children could have survived fatal crashes had they been secured in a child safety seat.⁴ Child safety seats are 71% effective in preventing fatalities for infants and 54% effective in preventing fatalities for toddlers.⁵ In 2010, child safety seats and seat belts saved an estimated 303 lives of children under 5 years old.⁶ While all young drivers are at a high risk of experiencing a fatal crash, young males, pickup drivers, and back seat passengers are least likely to buckle up.⁷

In Texas, 2,090 passenger vehicle occupants were killed in 2010.⁸ Among the 1,894 fatalities for which restraint use was known, 834 (44%) were unrestrained.⁹ Overall, the observed seat belt use rate for Texas in 2010 was 93.8%.¹⁰

When properly worn, safety belts can prevent over half of the deaths and injuries associated with motor vehicle crashes. Wearing a safety belt or using a child safety seat is the best way to protect yourself in a crash, regardless of where you sit in the car. Make sure that all of your family members buckle up – tell a responsible adult if they do not.

RULES OF THE ROAD

Texas law requires all occupants of passenger vehicles, regardless of where they are sitting in the vehicle, to be secured by a safety belt.¹¹ Children under 17 years old must be secured with a safety belt or be seated in a child safety seat.¹² Children under 8 years old, unless they are taller than 4 feet 9 inches, must ride in a child safety seat.¹³ A safety belt or safety seat violation can result in fines ranging from \$25 to \$250, plus court costs.¹⁴

It is also against the law for children under 18 years old to ride in the bed of a pickup, in an open flatbed truck, or in an open trailer being pulled by a vehicle.¹⁵

Age (in years)	Restraint Required	Front Seat	Back Seat	Citation Given To
Birth – under 8 (unless taller than 4'9")	Child Safety Seat System	Yes (should stay in back seat until age 13)	Yes	Driver
8 – 14 (or under 8 but over 4'9")	Safety Belt	Yes (should stay in back seat until age 13)	Yes	Driver
15-16	Safety Belt	Yes	Yes	Driver & Violator
17 and over	Safety Belt	Yes	Yes	Violator

ON THE SAFE SIDE

Child Safety Seats:

- Always wear your safety belt and require all passengers to do the same.
- Avoid using a second-hand child safety seat.
- Read the instruction manual carefully for proper installation of the child safety seat.
- Replace a safety seat that has been involved in a crash or is more than five years old.
- Infants should be in a rear-facing child safety seat until they are at least 1 year of age AND weigh at least 20 pounds.¹⁶
- Never place a rear-facing child safety seat in front of an air bag.
- Children should remain in a five-point harness system, forward-facing seat until they weigh at least 40 pounds.
- Children between 40 and 80 pounds (usually 4 to 8 years old and under 4'9" tall) must be in a booster seat.
- Children at least 4'9" tall will usually fit safely in vehicle lap/shoulder belts.
- Children 12 and under should always ride properly restrained in a back seat of the vehicle.
- Do not put a child with heavy clothing or blankets under harness straps. Instead, put the blanket or jacket over the child after he or she has been secured in the harness system.

Safety Belts:

- Always wear your safety belt and require all passengers to do the same.
- Lap belts should fit snugly across the hips, not over the stomach.
- Shoulder belts go over the shoulder and across the center of the chest.
- Never tuck a shoulder belt under your arm or behind your back.

Pickup Trucks:

- Never let children ride in the bed of a pickup truck – even if there is a covered bed.
- Never let passengers ride on the tailgate of a pickup truck.
- Jump seats in extended cab pickups are not suitable for child restraint systems.

What Other Safety Tips Can You Suggest?

SAFETY SEAT GUIDELINES

Safety belts are designed for adults, not children. Use a booster seat to lift 4 - 7 year olds up and prevent severe injuries in a crash. Remember the following guidelines when buying the proper seat for your child:

Birth to 1 Year, Up to 35 Pounds

- Use a rear-facing seat until the infant reaches the weight or height limit of the seat.
- Secure the chest clip even with your infant's armpits.
- Fasten harness straps snugly against your infant's body.

1–4 Years, 20 to 40 Pounds

- Use a forward-facing seat for as long as the safety seat manufacturer recommends it.
- Fasten harness straps snugly against the child's body.
- Secure the chest clip even with the child's armpits.
- Latch the tether strap to the corresponding anchor if your vehicle has one.

4–8 Years, Over 40 Pounds

- Use a booster seat—safety belts are designed for adults, not children.
- Fasten the lap belt across the child's thighs and hips, not stomach.
- Strap the diagonal belt across the chest to rest on the shoulder, not the neck.

ADDITIONAL RESOURCES

http://fcs.tamu.edu/safety/passenger_safety/toolkit/child_passenger_safety.php

http://fcs.tamu.edu/safety/passenger_safety/child_safety_seats.php

http://fcs.tamu.edu/safety/passenger_safety/toolkit/occupant_protection.php

<http://www.nhtsa.gov/Safety/CPS>

<http://www.nhtsa.gov/Driving+Safety/Occupant+Protection>

<http://safekids.org>

<http://carseat.org>

<http://www.kidsncars.org>

http://www.txdps.state.tx.us/director_staff/public_information/carseat.htm

PASSENGER RESTRAINT LAWS

Back Seat

ADULTS (17 and over) \$25 - \$50 fine to offender
 CHILDREN (15-16) \$25 - \$50 fine to passenger & \$100 - \$200 fine to driver
 CHILDREN (8-15, and those under 8 but taller than 4'9") \$100 - \$200 fine to driver
 CHILDREN (under age 8, unless taller than 4'9") \$25 - \$250 fine to driver



Driver's Seat

DRIVER (over 15) \$25 - \$50 fine

Front Seat Passengers

ADULTS (17 and over) \$25 - \$50 to offender
 CHILDREN (15-16) \$25 - \$50 fine to passenger & \$100 - \$200 fine to driver
 CHILDREN (8-15, and those under 8 but taller than 4'9") \$100 - \$200 fine to driver*
 CHILDREN (under age 8, unless taller than 4'9") \$25 - \$250 fine to driver*

* It is strongly recommended that all children less than 13 years old ride properly restrained in the back seat

Passenger Restraint Laws

Child in safety seats	A child <i>under 8 years old, unless the child is taller than 4 feet 9 inches (4'9")</i> must be restrained in a child passenger safety seat in accordance with the manufacturer's instructions.
Child in safety belts	A child <i>at least age 8 and younger than age 17</i> must be restrained in a safety belt regardless of position in the vehicle. A child under 8 years old who is not required to be in a safety seat must be in a safety belt.
Adults in safety belts	A person must be restrained in a safety belt regardless of position in the vehicle.
Motorcycles	A child <i>under age 5</i> cannot ride as a passenger on a motorcycle, unless seated in a sidecar.
Pick-up trucks and trailers	A child <i>under age 18</i> cannot ride in the open bed of a pick-up or flatbed truck or open flatbed trailer on a public road.
House trailers and towed trailers	A person cannot ride in a house trailer being moved or in a trailer or semitrailer being towed.
Towed watercraft	A child <i>under age 18</i> cannot ride in a boat being towed by a vehicle.



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Passenger Safety Seat Systems and Safety Belts

Effective on offenses committed on or after September 1, 2013

Age	Person Responsible	Type of Restraint	Location in vehicle	Cited for	Penalty	Eligible for Special DSC <small>(emphasize warrants & child safety seat systems)</small>	Eligible for DSC	Eligible for Deferred Disposition
Child under age 8, unless over 4'9" tall	driver	child passenger safety seat system	front and back seats	child not in passenger safety seat system	minimum \$25 maximum \$250	yes	no	yes
Child at least age 8 and under age 17*	driver	safety belt	front and back seats	child not in safety belt	minimum \$100 maximum \$200 <small>if in passenger vehicle</small> minimum \$1 maximum \$200 <small>if in passenger van</small>	yes	no	yes
At least age 15	passenger	safety belt	front and back seats	passenger not wearing safety belt	minimum \$25 maximum \$50	no	no	yes
At least age 15	driver	safety belt	front and back seats	driver not wearing safety belt	minimum \$25 maximum \$50	no	yes	yes

*Children under age 8 that are taller than 4'9" must wear a safety belt.

Definitions:

- Child passenger safety seat system means an infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the National Highway Traffic Safety Administration.
- Passenger vehicle means a passenger car, light truck, sport utility vehicle, passenger van designed to transport 15 or fewer passengers, including the driver, truck, or truck tractor. (*Passenger car* means a motor vehicle, other than a motorcycle, used to transport persons and designed to accommodate 10 or fewer passengers, including the operator. *Light truck* means a truck, including a pickup truck, panel delivery truck, or carryall truck, that has a manufacturer's carrying capacity of 2,000 pounds or less. Since *sport utility vehicle* is not specifically defined, look to the definition of passenger vehicle. *Truck* means a motor vehicle designed, used, or maintained primarily to transport property. *Truck tractor* means a motor vehicle designed and used primarily to draw another vehicle but not constructed to carry a load other than a part of the weight of the other vehicle and its load. *Motor vehicle* means a self-propelled vehicle or a vehicle that is propelled by electric power from overhead trolley wires. Section 541.201, T.C.)
- Safety belt means a lap belt and any shoulder straps included as original equipment on or added to a vehicle.
- Secured in connection with use of a safety belt means using the lap belt and any shoulder straps according to the manufacturer of the vehicle, if the safety belt is original equipment, or the manufacturer of the safety belt, if the safety belt has been added to the vehicle.

Section 545.412, T.C., does not apply to:

- A person operating a vehicle transporting passengers for hire, excluding third-party transport service providers when transporting clients pursuant to a contract to provide nonemergency Medicaid transportation; or
- A person transporting a child in a vehicle in which all seating positions equipped with child passenger safety seat systems or safety belts are occupied.

Defenses to prosecution under Section 545.412, T.C.:

- The person was operating the vehicle in an emergency;
- The person was operating the vehicle for a law enforcement purpose; or
- The person provides satisfactory evidence to the court that, at the time of the offense:
 - (1) the person was not arrested or issued a citation for violation of any other offense,
 - (2) the vehicle the person was driving was not involved in a crash,
 - (3) the person did not possess a child passenger safety seat system in the vehicle, and
 - (4) subsequent to the time of the offense, the defendant obtained an appropriate child passenger safety seat system for each child required to be secured in such a system.

Defenses to prosecution under Section 545.413, T.C.:

- The person possesses a written statement from a licensed physician stating that for a medical reason the person should not wear a safety belt;
- The person presents to the court, not later than the 10th day after the date of the offense, a statement from a licensed physician stating that for a medical reason the person should not wear a safety belt;
- The person is employed by the United States Postal Service and performing a duty for that agency that requires the operator to service postal boxes from a vehicle or that requires frequent entry into and exit from a vehicle;
- The person is engaged in the actual delivery of newspapers from a vehicle or is performing newspaper delivery duties that require frequent entry into and exit from a vehicle;
- The person is employed by a public or private utility company and is engaged in the reading of meters or performing a similar duty for that company requiring the operator to frequently enter into and exit from a vehicle;
- The person is operating a commercial vehicle registered as a farm vehicle under the provisions of Section 502.453, T.C., that does not have a gross weight, registered weight, or gross weight rating of 48,000 pounds or more; or
- The person is the operator of or a passenger in a vehicle used exclusively to transport solid waste and performing duties that require frequent entry into and exit from the vehicle.

Amount Due to the State

- Fifty percent of the fines for convictions for not securing a child in a child passenger safety seat system (under Section 545.412, T.C.) or a safety belt (under Section 545.413(b), T.C.) must be remitted to the State Comptroller at the end of the city's fiscal year.



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¹ National Highway Traffic Safety Administration, Research Note, *Motor Vehicle Traffic Crashes As a Leading Cause of Death in the United States, 2005*, DOT HS 810 936, Retrieved July 8, 2013 from <http://www-nrd.nhtsa.dot.gov/Pubs/810936.PDF>.

² Texas Department of Transportation, *Safety Belts and Safety Seats*, retrieved July 8, 2013, from <http://www.txdot.gov/driver/kids-teens/safety-belts.html>.

³ National Highway Traffic Safety Administration, 2010 Data, *Occupant Protection*, DOT HS 811 619, Retrieved July 8, 2013 from <http://www-nrd.nhtsa.dot.gov/Pubs/811619.pdf>.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ Texas Transportation Code Sections 545.412 and 545.413.

¹² Texas Transportation Code Section 545.413.

¹³ Texas Transportation Code Section 545.412.

¹⁴ Texas Transportation Code Sections 545.412 and 545.413.

¹⁵ Texas Transportation Code Section 545.414.

¹⁶ The American Academy of Pediatrics now recommends parents keep toddlers in a rear-facing seat until age 2 or until they reach the maximum height and weight for the seat.