

# The ABC's of Kids' Car Seat Rules and Buckling Up

By Scott Callahan

Do you ever wonder whether your back-seat passengers have to wear seat belts? Or, do you sometimes forget which type of car seat, booster, or restraint your kids and their friends should be in as you taxi them around town? Especially when they are all different ages, heights, and weights. Don't worry; these are dilemmas we all face.



Last year in Texas, almost 900 people died in vehicle crashes while not wearing seat belts. According to the National Highway Traffic Safety Administration, wearing a seat belt in the front seat reduces the chance of fatality by 45 percent.

For those who drive pickups, wearing a seat belt reduces the risk of fatality by 60 percent because pickups are twice as likely to roll over as cars.

The Texas Department of Public Safety's 15th Annual "Click It or Ticket" campaign will run from May 23 – June 5. During that time, law enforcement officers will be working to save lives by increasing seat belt use and awareness. Those who are not wearing seat belts, and adults who are not properly restraining their children, will be ticketed.

While many people hold differing views on the best and safest way to secure their kids, such as when to turn a car seat around from rear-facing to forward-facing, the information below is based on guidelines from Texas law enforcement and authorities such as the National Highway Traffic Safety Administration, Texas Department of Motor Vehicles and the Texas Department of Transportation.

## **Seat Belts**

Everyone in Texas, both drivers and passengers – in front seat and back – *must* buckle up. Failure to do so can result in fines for both the passenger and driver.

It is important to remember that seat belts are designed for adults, not children. Oddly enough, Texas law does not specify where in the vehicle a child is required to ride. But, the law does require that all child safety seat systems must be used according to the owner's manuals.

Vehicle manufacturers recommend keeping all children 12 and under restrained in the back seat. In fact, a study conducted by the American Academy of Pediatrics in trauma rooms across the U.S. determined that children younger than 13 who are sitting in the front seat suffer far more traumatic and fatal injuries than the



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same age group of children riding properly restrained in the back seat when the vehicle is involved in a crash.

### **Car Seats**

All children under 8 must be in a child car seat or booster seat, unless the child is taller than 4 feet 9.

Children 4 to 8 years old and over 40 pounds should use a booster seat.

Ages 2 to 4 years old and 20 to 40 pounds should be restrained in a forward-facing seat for as long as is recommended by the manufacturer.

Infants to 2-year-olds up to 35 pounds should ride in a rear-facing seat suitable for the child's height and weight. Be sure to check the manufacturer's height and weight capacity, expiration date, and follow the installation and operating instructions carefully.

Keep in mind that you may contact your local law enforcement or Texas DPS office to schedule a free car seat safety inspection.

### **Unattended Children**

It goes without saying that children should not be left unattended in a vehicle for any period of time because of the risk of injury or abduction.

It is illegal in Texas to leave a child under 7 years old unattended in a vehicle for more than 5 minutes. Children under 7 who are unattended longer than that must be with a person 14 years or older, or the driver can be fined and investigated by Child Protective Services.

### **Riding in Open Truck Beds**

It is illegal in Texas to operate an open-bed truck or pull a flatbed trailer when a child under 18 is on the bed of the truck or trailer.

Complying with all of these laws as well as manufacturers' requirements and recommendations can be daunting. And, if that's not enough, many exceptions and exemptions also exist ranging from hired vehicles (taxis, limousines, and shuttles), hay rides, farm work, and parades and even when driving on the beach.

Nevertheless, especially with Memorial Day weekend and summer vacation around the corner, remember to buckle up and take the extra time to ensure that your passengers are safely restrained. After all, tickets hurt, but crashes kill.

*The information in this column is not intended as legal advice, but to provide a general understanding of the law. Readers with legal issues, including those whose questions are addressed here, should consult attorneys for advice on their particular circumstances.*

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