

# SAVING LIVES

## Enforcing the occupant protection law

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**W**hen officers think about their role as protectors of the community, they often think in terms of protecting the public from violence and crime. These risks, however, are not always the greatest risks facing communities. In 2005, more than 200 Kentuckians died from violence; 834 died in motor vehicle crashes, according to the Kentucky Injury Prevention and Research Center. Expenses for collision-related hospitalizations alone exceeded \$142 million in 2005.

There is clear evidence that seat belts and child safety seats reduce the risk of serious injury and death for motorists involved in a crash. Being properly restrained reduces a person's risk of being killed in a collision by 45 percent, according to a 2002 Traffic Safety Center newsletter. In spite of this, Kentucky State Police Highway Safety Branch data states that one out of every three adult motorists in Kentucky does not wear a seat belt. While very young children are usually restrained, data from the National Highway Transportation Safety Administration show that only about one out of every five kids aged 4 to 8 is riding in a booster seat.

We know from experience that active enforcement of occupant restraint laws increases the use of seat belts and child restraints. Increasing the percentage of prop-

erly restrained motorists by just 10 percent would likely save dozens of lives each year in the commonwealth. One of the best ways to protect our citizens and visitors is to enforce KRS 189.125 – Kentucky's occupant restraint law.

### Booster Seats Are Now Included

The state's occupant restraint law originally was passed in 1962. It has been amended numerous times, most recently during the 2008 legislative session when law makers added a booster seat requirement to the statute. The latest amendment was intended to provide protection for children between ages of 4 and 7. Citations for the new law cannot be issued until July 1, 2009 but warnings can be used until that date.

Booster seats are designed for children who are too large for regular child safety seats, but who are not tall enough to fit properly into adult-sized seat belts.

The law now requires children who are between 40 and 50 inches tall, and who are younger than 7 years old, to be properly secured in a booster seat.

Booster seats are required because they reduce the chance of a child being injured by a seat belt that does not fit properly. Seat belts work by spreading the extreme impact forces of a crash across some of the strongest

parts of a person's body: the hip and shoulder bones. If the belts are worn improperly during a crash – such as across the stomach or the throat – serious injuries such as liver lacerations, ruptures of internal organs and neck injuries can occur.

Vehicle seats and seat belts are designed to fit adults. To make themselves more comfortable, children may slide forward in vehicle seats. This causes the lap belt to move upward onto the stomach and makes it harder to keep the shoulder belt in the proper position. Booster seats help by raising the child so that the lap belt stays in position across the child's thighs. The extra height makes the shoulder belt more likely to fit properly, and most booster seats include a method of holding the shoulder belt in place at the correct location. This increases safety and comfort for the child.

Many parents and other adults who transport kids may not know about Kentucky's new booster seat law. Even when they do know about the law, some adults do not understand why it is important to use booster seats and other occupant restraints. Officers have a unique opportunity to protect kids by educating drivers about the need for proper child restraints and by issuing citations when necessary. It is important to remember, however, that only warnings can be issued until July 1, 2009. >>



/Photos by Elizabeth Thomas



**BOOSTER SEAT, CHILD SAFETY SEAT AND SEAT BELT RESOURCES**

**Information, Assistance and Training**

Kentucky Department of Transportation  
Division of Driver Safety  
Erin Goin, Child Passenger Safety Program coordinator  
(502) 564-1438  
Erin.Goin@ky.gov

**Kentucky State Police**

Highway Safety Branch  
Capt. Tim Lucas, branch commander  
(502) 695-6213

**Norton Healthcare**

Kosair Children's Hospital  
Sharon Rengers, Child Passenger Safety coordinator  
(502) 629-7337  
Sharon.Rengers@nortonhealthcare.org

**University of Kentucky and Kentucky**

Department for Public Health  
Kentucky Injury Prevention and Research Center  
Robert McCool, program manager or Dr. Susan Pollack, Safe Kids coordinator  
(859) 257-4954  
rmccool@uky.edu or susan.pollack@uky.edu

**Resources on the Web**

National Highway Traffic Safety Administration  
Free information, training videos and public information handouts  
www.nhtsa.gov

**SafetyBeltSafe USA**

Information, both free and by subscription, plus videos and handouts  
www.carseat.org

**Safe Kids Worldwide**

Free information about a variety of child safety issues, including child passenger safety  
www.usa.safekids.org



Kentucky's booster seat law is only a minimum standard. It does not cover all kids who may need to be in booster seats. NHTSA recommends that all children under 8 years of age, or who are shorter than 4 feet 9 inches, ride in booster seats. Of course, an officer can not issue a citation for children who are not covered by the law, but certainly can take the opportunity to educate parents about the need for proper child restraints.

Because vehicle seats and seat belts vary, a child may need a booster seat in one vehicle but not in another. There is a simple five-step test to determine whether a child would be safer riding in a booster seat. Parents should consider these questions:

1. Is the child able to sit all the way back against the vehicle seat?
2. Do the child's knees bend comfortably at the edge of the vehicle seat?
3. Does the shoulder belt cross the center of the shoulder, without crossing the neck or upper arm?
4. Is the lap belt as low as possible, touching the thighs?
5. Can the child stay seated like this for the entire trip?

If the parent answers "no" to any of these questions, the child should ride in a booster seat.

**Other Occupant Protection Issues**

It is difficult to determine whether a child restraint is being used properly if an officer is not actually sure how these devices should be used.

Children who are younger than 1 year old, or who weigh less than 20 pounds (regardless of their age), should always ride in a rear-facing child restraint. Rear-facing restraints must never be placed in front of an active air bag, so rear-facing restraints must usually be installed in the back seat. If a rear-facing child restraint must be used in a vehicle that only has one seat, such as a pickup truck, the passenger side air bag must be deactivated. Infants who were riding rear-facing in a seat in front of an active air bag have been killed when the air bag deployed and struck the back of their child restraint.

Children who are too large for a rear-facing restraint, but who are less than 40 inches

in height, must ride in a forward-facing child restraint. Once they reach 40 inches in height, kids can graduate from forward-facing child restraints to booster seats. The law does not always match the best practices advocated by national safety organizations, so you should always advise parents to learn about child passenger safety and to do what is safest for their child, even if it is not specifically required by law.

One safety recommendation that is not required by law, for example, is that all children younger than 13 should ride in the vehicle's back seat whenever possible. The back seat provides better protection from frontal crashes and reduces the chance that a child will be injured by a deploying air bag. If there are too many children for all of them to fit in the back seat, it is usually best for the youngest children to ride in the back seat.

It also is important to enforce the seat belt portion of the occupant restraint law. Unbuckled occupants also endanger everyone else riding in the vehicle. Unrestrained occupants become projectiles in a crash and they can seriously injure other people riding in the vehicle. For example, a child who is properly restrained can still be injured or even killed if they are struck by an unbelted adult during a crash.

All portions of KRS 189.125 are now primary offenses, which means an officer is not required to observe any other traffic violation in order to stop a vehicle if one or more of the vehicle occupants is not restrained. Failing to use seat belts, a child restraint system or a booster seat is sufficient to provide probable cause for the vehicle stop.

The law makes the driver of the vehicle responsible for ensuring that all the occupants are properly restrained. If an officer finds it necessary to issue a citation for a violation of KRS 189.125, the citation should be issued to the driver. This means that a driver may be cited for no seat belt even if he or she is wearing a seat belt, if someone else in the vehicle is unrestrained. The driver is likewise responsible for all children in the vehicle, even if the driver is not the child's parent or guardian and the parent or guardian also is present in the vehicle. If the citation to the driver is because a passenger in their vehicle is unrestrained, it is essential to explain the situation in the citation narrative.

However, there are some exceptions to the

law. U.S. mail carriers engaged in the performance of their duties and any individual with a written medical exemption are not required to wear seat belts. Individuals claiming a medical exemption from the seat belt requirement must have a written statement from a licensed physician or chiropractor in their possession while riding unrestrained in a vehicle.

No part of KRS 189.125 applies to farm trucks registered for agricultural use only that

have a gross weight of one ton or more.

Finally, remember to assess the entire situation whenever you make a traffic stop. Check the restraint status of all occupants whenever stopping a vehicle for any traffic violation. Regardless of the reason to stop the vehicle, always take the opportunity to observe suspicious behavior or illegal items in the vehicle. The person stopped for having an unrestrained child in their

vehicle may also be intoxicated, have illegal substances in the vehicle, or be the subject of an active warrant.

Citizens expect officers to protect and to serve. With more than 800 people dying each year on the highways of the commonwealth, there obviously still is a lot of protecting to do. Enforcing the occupant protection law is one of the best ways to do it. J

# Child Passenger Safety

**REMEMBER: All children under 13 should ride in the back seat.**

## 4 STEPS FOR KIDS

1  <b>REAR-FACING</b>	2  <b>FORWARD-FACING</b>	3  <b>BOOSTER</b>	4  <b>SEAT BELT</b>
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- 1 **REAR-FACING SEATS**  For the best possible protection keep infants in the back seat, in rear-facing child safety seats, as long as possible up to the height or weight limit of the particular seat. At a minimum, keep infants rear-facing until a minimum of age 1 **and** at least 20 pounds.
- 2 **FORWARD-FACING SEATS**  When children outgrow their rear-facing seats (at a minimum age 1 **and** at least 20 pounds) they should ride in forward-facing child safety seats, in the back seat, until they reach the upper weight or height limit of the particular seat (usually around age 4 and 40 pounds).
- 3 **BOOSTER SEATS**  When children outgrow their booster seats, (usually at age 8 or when they are 4'9" tall) they can use the adult seat belt in the back seat, if it fits properly (lap belt lays across the upper thighs and the shoulder belt fits across the chest).
- 4 **SEAT BELTS** 

Courtesy of the National Highway Traffic Safety Administration, from "Child Passenger Safety: A Parent's Primer."