

South Carolina General Assembly
122nd Session, 2017-2018

Download [This Bill](#) in Microsoft Word format

~~Indicates Matter Stricken~~

Indicates New Matter

A78, R115, H3864

STATUS INFORMATION

General Bill

Sponsors: Reps. Bernstein, Collins, Erickson, King and Elliott

Document Path: I:\council\bill\gt\5292cm17.docx

Introduced in the House on February 28, 2017

Introduced in the Senate on April 5, 2017

Last Amended on May 9, 2017

Passed by the General Assembly on May 10, 2017

Governor's Action: May 19, 2017, Signed

Summary: Child passenger restraint

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
2/28/2017	House	Introduced and read first time (House Journal-page 36)
2/28/2017	House	Referred to Committee on Judiciary (House Journal-page 36)
3/22/2017	House	Member(s) request name added as sponsor: King, Elliott
3/29/2017	House	Committee report: Favorable Judiciary (House Journal-page 43)
4/4/2017	House	Requests for debate-Rep(s). Taylor, DC Moss, Toole, Chumley, Blackwell, Burns, Loftis, Arrington, Hiott, Forrester, Hamilton, Hixon, Long, Hart, Finlay, Hill, Putnam, Erickson, Magnuson (House Journal-page 25)
4/4/2017	House	Amended (House Journal-page 58)
4/4/2017	House	Read second time (House Journal-page 58)
4/4/2017	House	Roll call Yeas-75 Nays-28 (House Journal-page 59)
4/5/2017	House	Read third time and sent to Senate (House Journal-page 79)
4/5/2017	Senate	Introduced and read first time (Senate Journal-page 11)
4/5/2017	Senate	Referred to Committee on Transportation (Senate Journal-page 11)
5/2/2017	Senate	Recalled from Committee on Transportation (Senate Journal-page 10)
5/9/2017	Senate	Amended (Senate Journal-page 37)
5/9/2017	Senate	Read second time (Senate Journal-page 37)
5/9/2017	Senate	Roll call Ayes-38 Nays-0 (Senate Journal-page 37)
5/10/2017	Senate	Read third time and returned to House with amendments (Senate Journal-page 40)
5/10/2017	House	Concurred in Senate amendment and enrolled (House Journal-page 90)
5/10/2017	House	Roll call Yeas-70 Nays-24 (House Journal-page 90)
5/15/2017		Ratified R 115
5/19/2017		Signed By Governor
5/25/2017		Effective date 5/19/17
5/31/2017		Act No. 78

View the latest [legislative information](#) at the website

VERSIONS OF THIS BILL

[2/28/2017](#)

[3/29/2017](#)

[4/4/2017](#)

[5/2/2017](#)

[5/9/2017](#)

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

NOTE: THIS IS A TEMPORARY VERSION. THIS DOCUMENT WILL REMAIN IN THIS VERSION UNTIL FINAL APPROVAL BY THE LEGISLATIVE COUNCIL.

(R115, H3864)

AN ACT 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, TO PROVIDE EXCEPTIONS WHEN MEDICALLY NECESSARY, AND TO INCLUDE TEMPORARY LIVING QUARTERS IN RECREATIONAL VEHICLES AS BEING CONSIDERED REAR PASSENGER SEATS.

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:

Vehicle child restraints, ages, weights, and positions revised, medical exception, recreational vehicles

SECTION 1. Section [56-5-6410](#) of the 1976 Code is amended to read:

"Section [56-5-6410](#). (A) 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 under eight years of age upon the public streets and highways of the State must properly secure the child in the vehicle as follows:

(1) 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 at least two years of age or a child under two years of age who has outgrown his 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 the forward-facing child passenger restraint system.

(3) A child at least four years of age who has outgrown his forward-facing child passenger restraint system must be secured by a belt-positioning booster seat in a rear seat of the vehicle until he 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) A child at least eight years of age or at least fifty-seven inches tall may be restrained by an adult safety seat 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 if:

(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) 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 standard child passenger safety restraint system designed for his 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.

(B) For the purposes of this section, any portion of a recreational vehicle that is equipped with temporary living quarters shall be considered a rear passenger seat."

Vehicle child restraints, vehicles lacking rear passenger seats, rear seating capacity exceeded

SECTION 2. Section [56-5-6420](#) of the 1976 Code is amended to read:

"Section [56-5-6420](#). 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 the child is secured properly in an appropriate child passenger safety restraint system or belt-positioning booster seat as described in Section [56-5-6410](#)(1), (2), or (3)."

Time effective

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

Ratified the 15th day of May, 2017.

Approved the 19th day of May, 2017. -- S.

----XX----