



# Texas Department of Public Safety

## Information for the News Media

Media Relations Office

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## New Booster Seat Law Clarified

There has been some confusion about a new state law that requires all children younger than eight (8) years old, **UNLESS** taller than 4'9" to be in child passenger safety seat system. ("Child passenger safety seat system" includes traditional car seats with harnesses *AND* booster seats – both high-back and backless versions.)

The law also requires all safety seats and booster seats to be installed according to the instructions of the manufacturer of the safety seat system.

Because of the changes of the wording in the law (SB61), the following legal interpretation should be applied:

- Once a child reaches eight (8) years old, they are **not legally** required to be in a child safety seat system.
- If the child is younger than eight years old, **BUT** they are already 4'9" tall, they are **not legally** required to be in a child safety seat system.
- If a child is eight years old or older, and not yet 4'9" tall, they are **not legally** required to be in a child safety seat system.

The law also requires that safety and booster seats be installed and used according to the manufacturer's instructions, including age, height and weight requirements and the placement in the vehicle. (Some manufacturers prohibit using their products on the front seats of vehicles.)

The other part of the law that may cause some confusion are the dates of when the law takes effect and when the enforcement phase begins.

The law will take effect September 1, 2009. Law enforcement officers may only enforce the new changes in the law with written or verbal warnings until June 1, 2010.

However, beginning on June 1, 2010, officers may then arrest or issue a citation/notice to appear to a person committing an offense.

A fine of not more than \$25 can be assessed for a first offense and no more than \$250 for the second or subsequent offenses.

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This extra time between the effective date and the written offense date is to allow parents and caregivers ample time to become educated about, and obtain, the required safety seats or booster seats.

Vehicle manufacturers design their products for adults – not kids – and they support keeping kids in the appropriate safety or booster seat until the child can properly wear the adult safety belt...typically when they reach 4'9" tall.

Once your child has reached eight years old, to know when they can wear an adult seat belt properly without a booster seat, use this simple test:

Have your child sit on the vehicle seat, sitting all the way back, with their back straight against the back of the seat, and buckle the lap/shoulder belt over them.

1. Do their legs bend naturally at the knees over the edge of the seat?
2. Does the lap portion of the belt fit low over the hips and top of their thighs?
3. Does the shoulder portion of the belt fit across the center of their chest?

If the answer to any of these three questions is no, the child may be better protected in a booster seat.

A child in a poorly-fitting adult seat belt usually slumps down, allowing the seat belt to ride up into their abdomen or neck, which can cause severe injuries to the child's neck and internal organs during a car crash.

Although there is no law that prevents youngsters from sitting in the front seat of a vehicle, the safest place for a child in a car is in a rear seat, properly buckled into a child safety seat or a booster seat.

Air bags don't replace child safety seats and may increase the risk of serious injury to children. Children younger than 13 should never ride in the front seats of vehicles with active passenger air bags. If you do have to transport a child in the front seat in an emergency – make sure the front seat is moved all the way back on the track, placing as much room as possible between the deployment zone of the air bag and the vehicle seat...but NEVER place a rear-facing safety seat on a front seat.

A final, but very important note: please read and follow the instructions in both the safety/booster seat owner's manual AND the vehicle owner's manual. Not all safety or booster seats fit the same in all vehicles – so you may have to try several before finding a good fit for your child and vehicle.

If you have any questions, please contact Beth Warren, DPS Administrative Training Unit, Safety Programs at 512-424-5639 or [beth.warren@txdps.state.tx.us](mailto:beth.warren@txdps.state.tx.us).

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