

CHILD PASSENGER SAFETY AND SAFETY BELT Frequently Asked Questions

What is the Texas law for child passenger safety?

All children younger than 8 years old, unless taller than 4'9", are required to be in the appropriate child safety seat system wherever they ride in a passenger vehicle. The safety seat system **MUST** be installed according to the manufacturer's instructions.

Another way of saying this is: ***When a child reaches their 8th birthday – no matter their height, it is legal for the child to use only the adult safety belt in the passenger vehicle.***

However, the best safety practice is: if the child is not yet 4'9", they are better protected if they continue to use the appropriate child safety seat system until they can properly fit in the adult safety belt. Find the text of the law here:

<http://www.statutes.legis.state.tx.us/Docs/TN/htm/TN.545.htm#545.412>

What is a passenger vehicle?

A "passenger vehicle" is a passenger car, sport utility vehicle, truck, light truck, truck tractor or a passenger van designed to transport 15 or fewer occupants, including the driver. (Buses are not included in this definition)

What is a child passenger safety seat system?

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. Examples: rear-facing only safety seat, convertible safety seat, forward-facing only safety seat, high-back booster seat, backless booster seat, safety vest/harness.

What are the recommended four stages of child passenger safety?

1. Rear-Facing Seat: Infants stay rear-facing as long as possible – to the upper weight limits of the harness – but never forward-facing before their first birthday and 20-22 pounds.
2. Forward-Facing Seat: Toddlers go forward-facing in a five-point harness until the upper limits of the harness, usually 40-65 pounds.
3. Booster Seat: Children from about age four up to 4'9" tall.
4. Adult Safety Belt: From 4'9" and taller.

Where do I go to have my car/booster seat checked, get assistance in learning how to use it, or to have hands-on experience with a certified technician?

A national list of certified child passenger safety technicians is found at:

<http://cert.safekids.org/>

When may I turn my baby from rear-facing to forward-facing?

You must follow the requirements of the manufacturer of the safety seat you use. Children are better protected the longer they can ride in a rear-facing safety seat – up to two years if possible. If your child has reached the upper weight or height limit of their infant seat, the next seat for that child is a convertible safety seat – installed rear-facing. The convertible safety seat will have a deeper seat area to allow children to ride rear-facing for a longer period of time. Various manufacturers have rear-facing limits of 30, 33, 35 and now 40 pounds. Many of the seats designed to be installed forward-facing require that the child be at least one year old AND 20-22 pounds – please read the owner’s manual for correct information on your particular safety seat system.

When may I place my child in a booster seat?

Booster seats were originally designed to be used when a child weighed more than 40 pounds – usually four-five years old. If your child has reached 40 pounds before their fourth birthday, and has outgrown the maximum weight limit of the currently used safety seat, you may want to consider using a safety seat with a higher-weight limit harness. You need to take into consideration the child’s age, weight, height and behavior maturity. If your child reaches four years old before 40 pounds – they would be better protected if they continued to use the five-point harness safety seat until they meet either the upper weight limit, or outgrow the safety seat by height. Always refer to the owner’s manual for the minimum and maximum age/height/weight requirements and limits.

What if my child is less than 8 years old and less than 4’9” – but doesn’t fit in a booster seat?

There are safety vests/harnesses systems available that will allow you to be able to protect your child in the vehicle and comply with the law.

When may my child stop using a booster seat and use only the adult safety belt?

Texas law requires all children younger than 8 years old, unless taller than 4’9”, to be in the appropriate child safety seat system. Once the child is 8 years old, they are not legally required to be in a child safety seat system – but – if the child is not yet 4’9” tall they would be better protected if they continued to use the appropriate child safety seat system until they can properly fit the adult safety belt.

My child is 8 years old, how do I know if the adult safety belt properly fits my child?

There is a simple 5-step test for determining proper fit of the adult safety belt.

Buckle your child into a lap/shoulder belt and look for these things:

1. Does he/she sit all the way back against the seat?
2. Do his/her knees bend easily at the edge of the seat?
3. Does the shoulder belt cross over the center of the shoulder and chest?
4. Is the lap belt low, across the tops of the thighs?
5. Can he/she stay seated like this for the entire trip?

If you answered “no” to any of these, your child may still need a booster seat.

May I use booster seats in passenger vans or buses?

Booster seats require an adult lap/shoulder belt for proper use – they can only be used in seating positions that have this type of safety belt.

My vehicle has lap/shoulder belts – may I use a backless booster seat?

Yes, but the backless booster seat has an extra requirement – the mid-point of the back of the child’s head cannot be above the vehicle seat back. If your vehicle does not have head protection in the seating position where you want to place the booster seat – you cannot use a backless booster.

I own a licensed day/child care facility and transport children in vans and buses.**Does the child passenger safety law apply to me?**

YES, if you transport children in a vehicle that meets the definition of a passenger vehicle (see above), you must comply with the law.

NO, if you transport children in a vehicle that does not meet the definition of a passenger vehicle, you are not required to comply with the child passenger safety law.

BUT – in both vehicles you must follow the transportation requirements set by your licensing agency (Department of Family and Protective Services).

How do I secure a child in vehicles with lap-only belts?

(1) There are safety seats that have a higher weight limit on the harness – including 50, 65, 80 and now 85 pounds – one of these types of seats would meet the legal requirement and can be installed using the lap belt.

(2) Another option is to use a safety vest or harness – they can be used with a lap-only belt – **BUT** – they also require a tether anchor to be installed so the shoulder portion of the vest can be used according to the manufacturer’s instructions. The tether anchor can be installed by a dealer.

(3) A shoulder belt may be able to be retro-fitted into the seating position where your child sits so a booster seat can be properly used – contact the service department of your vehicle’s manufacturer for more information.

Is it legal to allow a child to ride in the front seat?

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. **ALL** rear-facing seats are prohibited from being used on the front seat of the vehicle if there is a passenger air bag. The only way the rear-facing safety seat can be legally and properly installed on the front seat of a single-cab vehicle is to manually turn the air bag to the “off” position. Some manufacturers prohibit using their products in certain seating positions of different vehicles. Children are safer if they ride properly restrained in the back seat than if they are in the front seat. Follow the vehicle manufacturers’ requirements and recommendations to keep all children 12 years old and younger properly restrained in the back seat.

May I install a safety seat or booster seat on the side-facing or rear-facing vehicle seats in my vehicle?

No, Texas law requires all child safety seat systems to be installed according to the manufacturers' instructions and all of the manufacturers prohibit installing safety seat systems on side-facing or rear-facing vehicle seats.

What about head inserts, toys, seat saver mats, mirrors, etc. sold to be used with my child's safety/booster seat – are they legal?

Texas law requires all child safety seat systems to be installed according to the manufacturers' instructions. There are no federal crash test requirements/regulations for these products and many safety seat manufacturers prohibit using them with their safety seat systems. The use of such non-regulated products may affect the way safety seats perform in a crash. Please consult your safety/booster seat owner's manual for information prior to using these products.

What is the best seat on the market?

The best seat is the one that fits your child's age, weight, height and behavioral maturity, can be properly installed in your vehicle and will be used correctly every time the child rides in it. All safety seats systems must pass the same crash test requirements for each type of seat.

Do car/booster seats expire?

Yes, child safety seat systems do have a life-span. If the manufacturer did not print an expiration date onto the seat, or mold it into the shell on the back of the seat, then the expiration date is six (6) years from the date of manufacture. The manufacture date is required to be on a label on the seat.

How do I know if my seat is on recall?

There are several ways to check to see if your safety seat is on a recall – contact the manufacturer via phone or internet, check the NHTSA website: www.nhtsa.gov, or contact a certified child passenger safety technician: <http://cert.safekids.org/> for assistance.

What if I can't afford a safety seat – is there any way to get assistance?

Contact the Department of State Health Services, Safe Riders Program. 1-800-252-8255

I have questions about my particular safety seat – who do I call?

The first call should be to the manufacturer of your safety seat. All manufacturers are required to put their contact information on the labels of the safety seats. You may also find information on the manufacturer's website.

Are any passenger vehicles exempt from the child passenger safety law?

Yes – vehicles for hire: taxi cabs, limousines, hired shuttles, public transit buses and also passenger vehicles in which all seating positions equipped with safety seat systems and safety belts are occupied.

Are child safety seat systems required in recreational vehicles (RVs)?

An RV does not meet the definition of a passenger vehicle as defined in the Texas statute 545.412. Texas law requires all child safety seat systems to be installed according to the manufacturers' instructions. All child safety seats must be installed on vehicle seats that are oriented forward-facing – they cannot be installed on a vehicle seat that faces the side or rear of the vehicle. Most of the passenger seating positions in an RV are either side-facing or rear-facing and cannot be used to install a safety/booster seat.

It is recommended that if you wish to travel with children who should be riding in a child safety seat system, have the children ride in a passenger vehicle, in properly installed safety/booster seats, and meet up with the occupants of the RV when the RV stops for breaks.

Can child safety seat systems be used again after they have been involved in a crash?

Texas law requires all child safety seat systems to be installed according to the manufacturers' instructions. Please consult the owner's manual for the safety seat system and follow their instructions – the majority of manufacturers require that the product be destroyed and replaced when it has been in a moderate to severe crash.

The National Highway Traffic Safety Administration has developed guidelines to assist safety seat owners in determining if the crash may have compromised the integrity of the safety seat system.

<http://www.nhtsa.dot.gov/people/injury/childps/ChildRestraints/ReUse/LetterToParents.html>

What is LATCH?

LATCH is a system made up of two components: anchors in the vehicle and attachments on the safety seats. It is a system that allows a safety seat to be installed without the vehicle safety belts.

Can I use the LATCH system and the vehicle safety belts together to install a safety seat?

NO – use one system or the other – never use both at the same time on a safety seat. Always follow the instructions for both the safety seat and the vehicle when installing safety seat systems.

Where may I go to learn more about LATCH?

You may access more information about LATCH on the NHTSA website.

www.nhtsa.gov

Do all passengers have to wear a safety belt?

Yes, all occupants of a passenger vehicle are required to be in either the appropriate child safety seat system (if they are required under Statute 545.412) or in the adult safety belt, used according to the manufacturers' instructions, as long as there is an open seating position available equipped with a safety belt.

Is it legal to buckle a safety belt around two occupants?

No, Texas law requires all safety belts to be worn according to the manufacturer's instructions.

I have more occupants than safety belts for my vehicle - may someone ride in the back cargo area?

Texas law requires all occupants to wear the adult safety belts if there is an open seating position available equipped with a safety belt. The cargo area is not a seating position and is only to be used for cargo – not occupants.

The shoulder portion of the belt rubs on my/my child's neck or face. May I place it behind my back or under my arm?

No, Texas law requires all safety belts to be worn according to the manufacturer's instructions.

May I use a shoulder belt adjuster/cover to keep the shoulder portion of the belt off of my/my child's neck or face?

Texas law requires all safety belts to be worn according to the manufacturer's instructions. Please consult the owner's manual for your vehicle to see if the manufacturer allows these types of products to be used as many of the manufacturers prohibit adding anything to the safety belt. There are no federal crash test requirements for these products.

Am I allowed to disable my driver or passenger air bag?

You must follow the instructions and procedures set by the National Highway Traffic Safety Administration (NHTSA) to have an on/off switch installed for either the driver or passenger air bag. See: www.nhtsa.gov