

RS 32:295**§295. Child passenger restraint system**

A. Except as provided in Subsections C, D, and E of this Section, every driver in this state who transports a child or children under the age of eighteen years in a motor vehicle that is in motion and is required by federal safety standards to be equipped with a safety belt system or lower anchors and tethers for children in a passenger seating position shall have the child properly restrained according to the vehicle and child safety seat manufacturer's instructions, as follows:

- (1) A child who is younger than the age of two years shall be restrained in a rear-facing child restraint system that complies with all applicable federal regulations until the child reaches the weight or height limit of the child restraint system as set by the manufacturer.
- (2) A child who is at least two years of age or older and has reached the rear-facing weight or height limits of the child restraint system as set by the manufacturer, shall be restrained in a forward-facing child restraint system with an internal harness until the child reaches the weight or height limit of the child restraint system set by the manufacturer.
- (3) A child who is at least four years of age and has outgrown the forward-facing weight or height limits of the child restraint system as set by the manufacturer shall be restrained in a belt-positioning child booster seat, secured with a vehicle lap-shoulder seat belt, according to the manufacturer's instructions.
- (4) A child who is at least nine years of age or has outgrown the height or weight limits of a child restraint system or belt-positioning child booster seat as set by the manufacturer shall be restrained with the motor vehicle's adult safety belt adjusted and fastened around the child's body to fit correctly. The adult safety belt fits correctly when the child sits all the way back against the vehicle seat, the child's knees bend over the edge of the vehicle seat, the belt fits snugly across the child's thighs and lower hips, and not the child's abdomen, and when the shoulder strap snugly crosses the center of the child's chest and not the child's neck.

(5) A child who is younger than thirteen years of age shall be transported in the rear seat of a motor vehicle, when available, in a properly used child restraint system, belt-positioning child booster seat, or adult safety belt that complies with all applicable federal regulations.

(6) A child who because of age or weight can be placed in more than one category shall be placed in the more protective category.

B.(1) The term "motor vehicle" as used in this Section shall not mean the following: bicycle; farm tractor; motorcycle or motor-driven cycle; truck of manufacturer's rating carrying capacity of over two thousand pounds; ambulance or other emergency vehicle; school bus as defined in R.S. 32:1(62)(a) and (b); church bus, private bus, or recreational vehicle which has a passenger capacity of over ten persons; or commercial truck, van, or taxi.

(2) The term "child restraint system" as used in this Section shall mean a lap belt, a shoulder harness, or an age- or size-appropriate child safety seat as required by this Section.

(3) The term "child booster seat" as used in this Section means a child passenger restraint system that meets the Federal Motor Vehicle Safety Standards set forth in 49 CFR 571.213 and is designed to elevate a child to properly sit in a federally approved safety belt system.

C. When the vehicle is equipped with a passenger side air bag supplemental restraint system and the air bag system is activated, the driver of a vehicle transporting a child who is younger than six years of age or weighs less than sixty pounds shall transport the child in the rear seat positions in the vehicle, if rear seats are available.

D. When the number of children under the age of thirteen in the motor vehicle exceeds the number of age- or size-appropriate passenger restraint systems and seat belts available in the motor vehicle, the unrestrained children shall be seated in a rear seat, if rear seats are available.

E. The provisions of this Section shall not apply when one of the following conditions exists:

- (1) The motor vehicle is being used as an ambulance or other emergency vehicle.

(2) An emergency exists which threatens the life of any person operating a motor vehicle to whom this Section otherwise would apply or the life of any child who otherwise would be required to be restrained under this Section.

(3) Any child who would otherwise be required to be restrained under this Section who is physically unable because of medical reasons to use a child passenger safety system or safety belt.

F. In no event shall failure to wear a child passenger safety seat system be considered as comparative negligence, nor shall such failure be admissible as evidence in the trial of any civil action with regard to negligence, nor shall such failure be considered a moving violation.

G. Any operator of a motor vehicle stopped for a violation of this Section and against whom enforcement action has been taken shall not be guilty of a subsequent violation of this Section until after twenty-four hours have elapsed from the date and time of the violation as indicated on the traffic ticket.

H. A violation of this Section involving failure to secure a child in any type of child restraint system shall be a primary offense. However, failure to secure a child in the age- or size-appropriate restraint, as specified by Subsection A of this Section, shall be a secondary offense and a driver may be cited only if stopped for a moving violation.

I.(1) Notwithstanding any other provisions of law to the contrary and except as provided by Paragraph (2) of this Subsection, any person who violates this Section shall upon conviction be fined one hundred dollars for a first offense, not less than two hundred fifty dollars and not more than five hundred dollars for a second offense, and five hundred dollars plus all costs of court for a third or subsequent offense.

(2) Any person who violates this Section but whose violation is limited to failure to utilize an age- or size-appropriate child restraint system to secure an otherwise restrained child shall not be fined more than one hundred dollars including fees and court costs.

J. The Department of Public Safety and Corrections shall initiate an educational program designed to encourage compliance with the child passenger restraint system requirements of this Section.

Acts 1984, No. 156, §1; Acts 1997, No. 1037, §1, eff. July 1, 1997; Acts 2003, No. 1238, §1, eff. Jan. 1, 2004; Acts 2008, No. 300, §1, eff. June 1, 2009; Acts 2009, No. 224, §1, eff. June 1, 2009; Acts 2019, No. 51, §1.