



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

**AB-435 Vehicles: child passenger restraints.** (2025-2026)

SHARE THIS:  

Date Published: 10/08/2025 10:00 AM

**Assembly Bill No. 435**

**CHAPTER 434**

An act to amend, repeal, and add Sections 27315, 27318, 27360.5, and 27363 of the Vehicle Code, relating to vehicles.

[ Approved by Governor October 07, 2025. Filed with Secretary of State October 07, 2025. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 435, Wilson. Vehicles: child passenger restraints.

Existing law requires a parent, legal guardian, or driver who transports a child under 16 years of age on a highway in a motor vehicle to properly secure that child in an appropriate child passenger restraint system or safety belt, as specified. Existing law authorizes a child or ward under 8 years of age who is 4 feet 9 inches in height or taller to be properly restrained by a safety belt rather than by a child passenger restraint system.

Existing law prohibits the operator of a limousine for hire, an authorized emergency vehicle, or a taxicab from operating the limousine for hire, authorized emergency vehicle, or taxicab unless the operator and any passengers 8 years of age or older in the front seat are properly restrained by a safety belt.

Existing law also prohibits a parent, legal guardian, or chartering party from transporting on a bus, or permit to be transported on a bus, a child, ward, or passenger who is 8 years of age or older, but under 16 years of age, unless they are properly restrained by a safety belt, and unless they are acceptably restrained by a safety belt for a child, ward, or passenger who is under 8 years of age and under 4 feet 9 inches in height. A violation of these provisions is an infraction.

Existing law defines, for purposes of the above provisions, "properly restrained by a safety belt" to mean that the lap belt crosses the hips or upper thighs of the occupant and the shoulder belt, if present, crosses the chest in front of the occupant. Existing law defines "acceptably restrained by a safety belt" to mean the latch plate is securely fastened in the buckle, the lap belt is adjusted to fit low and tight across the hips or upper thighs, not the stomach area, the shoulder belt is adjusted snugly across the chest and the middle of the shoulder, away from the neck, and the shoulder belt is not placed behind the back or under the arm.

This bill would instead, commencing January 1, 2027, define "properly restrained by a safety belt" to mean that the child, ward, or passenger meets the requirements of the 5-Step test, which includes that the child, ward, or passenger is sitting all the way back against the auto seat, the knees of the child, ward, or passenger bend over the edge of the auto seat, the shoulder belt snugly crosses the center of the child, ward, or passenger's chest and shoulder, not the child, ward, or passenger's neck, the lap belt is as low as possible and is touching the child, ward, or passenger's thighs, and the child, ward, or passenger can stay seated like this for the whole trip. By changing this definition and thereby expanding the scope of existing crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

### **SECTION 1.** Section 27315 of the Vehicle Code is amended to read:

**27315.** (a) The Legislature finds that a mandatory seatbelt law will contribute to reducing highway deaths and injuries by encouraging greater usage of existing manual seatbelts, that automatic crash protection systems that require no action by vehicle occupants offer the best hope of reducing deaths and injuries, and that encouraging the use of manual safety belts is only a partial remedy for addressing this major cause of death and injury. The Legislature declares that the enactment of this section is intended to be compatible with support for federal motor vehicle safety standards requiring automatic crash protection systems and should not be used in any manner to rescind federal requirements for installation of automatic restraints in new cars.

(b) This section shall be known and may be cited as the Motor Vehicle Safety Act.

(c) (1) As used in this section, "motor vehicle" means a passenger vehicle, a motortruck, or a truck tractor, but does not include a motorcycle.

(2) For purposes of this section, a "motor vehicle" also means a farm labor vehicle, regardless of the date of certification under Section 31401.

(d) (1) A person shall not operate a motor vehicle on a highway unless that person and all passengers 16 years of age or over are properly restrained by a safety belt. This paragraph does not apply to the operator of a taxicab, as defined in Section 27908, when the taxicab is driven on a city street and is engaged in the transportation of a fare-paying passenger. The safety belt requirement established by this paragraph is the minimum safety standard applicable to employees being transported in a motor vehicle. This paragraph does not preempt more stringent or restrictive standards imposed by the Labor Code or another state or federal regulation regarding the transportation of employees in a motor vehicle.

(2) For purposes of this section the phrase, "properly restrained by a safety belt" means that the lower (lap) portion of the belt crosses the hips or upper thighs of the occupant and the upper (shoulder) portion of the belt, if present, crosses the chest in front of the occupant.

(3) The operator of a limousine for hire or the operator of an authorized emergency vehicle, as defined in subdivision (a) of Section 165, shall not operate the limousine for hire or authorized emergency vehicle unless the operator and any passengers eight years of age or over in the front seat, are properly restrained by a safety belt.

(4) The operator of a taxicab shall not operate the taxicab unless any passengers eight years of age or over in the front seat, are properly restrained by a safety belt.

(e) A person 16 years of age or over shall not be a passenger in a motor vehicle on a highway unless that person is properly restrained by a safety belt. This subdivision does not apply to a passenger in a sleeper berth, as defined in subdivision (x) of Section 1201 of Title 13 of the California Code of Regulations.

(f) An owner of a motor vehicle, including an owner or operator of a taxicab, as defined in Section 27908, or a limousine for hire, operated on a highway shall maintain safety belts in good working order for the use of the occupants of the vehicle. The safety belts shall conform to motor vehicle safety standards established by the United States Department of Transportation. This subdivision, however, does not require installation or maintenance of safety belts if it is not required by the laws of the United States applicable to the vehicle at the time of its initial sale.

(g) This section does not apply to a passenger or operator with a physically disabling condition or medical condition that would prevent appropriate restraint in a safety belt, if the condition is duly certified by a licensed physician and surgeon or by a licensed chiropractor who shall state the nature of the condition, as well as the reason the restraint is inappropriate. This section also does not apply to a public employee, if the public employee is in an authorized emergency vehicle as defined in paragraph (1) of subdivision (b) of Section 165, or to a passenger in a seat behind the front seat of an authorized emergency vehicle as defined in paragraph (1) of subdivision (b) of Section 165 operated by the public employee, unless required by the agency employing the public employee.

(h) Notwithstanding subdivision (a) of Section 42001, a violation of subdivision (d), (e), or (f) is an infraction punishable by a fine of not more than twenty dollars (\$20) for a first offense, and a fine of not more than fifty dollars (\$50) for each subsequent offense. In lieu of the fine and any penalty assessment or court costs, the court, pursuant to Section 42005, may order that a person convicted of a first offense attend a school for traffic violators or another court-approved program in which the proper use of safety belts is demonstrated.

(i) In a civil action, a violation of subdivision (d), (e), or (f), or information of a violation of subdivision (h), does not establish negligence as a matter of law or negligence per se for comparative fault purposes, but negligence may be proven as a fact without regard to the violation.

(j) If the United States Secretary of Transportation fails to adopt safety standards for manual safety belt systems by September 1, 1989, a motor vehicle manufactured after that date for sale or sold in this state shall not be registered unless it contains a manual safety belt system that meets the performance standards applicable to automatic crash protection devices adopted by the United States Secretary of Transportation pursuant to Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R. 571.208) as in effect on January 1, 1985.

(k) A motor vehicle offered for original sale in this state that has been manufactured on or after September 1, 1989, shall comply with the automatic restraint requirements of Section S4.1.2.1 of Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R. 571.208), as published in Volume 49 of the Federal Register, No. 138, page 29009. An automobile manufacturer that sells or delivers a motor vehicle subject to this subdivision, and fails to comply with this subdivision, shall be punished by a fine of not more than five hundred dollars (\$500) for each sale or delivery of a noncomplying motor vehicle.

(l) Compliance with subdivision (j) or (k) by a manufacturer shall be made by self-certification in the same manner as self-certification is accomplished under federal law.

(m) This section does not apply to a person actually engaged in delivery of newspapers to customers along the person's route if the person is properly restrained by a safety belt prior to commencing and subsequent to completing delivery on the route.

(n) This section does not apply to a person actually engaged in collection and delivery activities as a rural delivery carrier for the United States Postal Service if the person is properly restrained by a safety belt prior to stopping at the first box and subsequent to stopping at the last box on the route.

(o) This section does not apply to a driver actually engaged in the collection of solid waste or recyclable materials along that driver's collection route if the driver is properly restrained by a safety belt prior to commencing and subsequent to completing the collection route.

(p) Subdivisions (d), (e), (f), (g), and (h) shall become inoperative immediately upon the date that the United States Secretary of Transportation, or their delegate, determines to rescind the portion of the Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R. 571.208) that requires the installation of automatic restraints in new motor vehicles, except that those subdivisions shall not become inoperative if the secretary's decision to rescind that Standard No. 208 is not based, in any respect, on the enactment or continued operation of those subdivisions.

(q) This section shall remain in effect only until January 1, 2027, and as of that date is repealed.

**SEC. 2.** Section 27315 is added to the Vehicle Code, to read:

**27315.** (a) The Legislature finds that a mandatory seatbelt law will contribute to reducing highway deaths and injuries by encouraging greater usage of existing manual seatbelts, that automatic crash protection systems that require no action by vehicle occupants offer the best hope of reducing deaths and injuries, and that encouraging the use of manual safety belts is only a partial remedy for addressing this major cause of death and injury. The Legislature declares that the enactment of this section is intended to be compatible with support for federal motor vehicle safety standards requiring automatic crash protection systems and should not be used in any manner to rescind federal requirements for installation of automatic restraints in new cars.

(b) This section shall be known and may be cited as the Motor Vehicle Safety Act.

(c) For purposes of this section, the following terms and phrases have the following meanings:

(1) (A) "Motor vehicle" means a passenger vehicle, a motortruck, or a truck tractor, but does not include a motorcycle.

(B) "Motor vehicle" also means a farm labor vehicle, regardless of the date of certification under Section 31401.

(2) "Properly restrained by a safety belt" means the person meets all of the following requirements of the 5-Step test:

(A) The person is sitting all the way back against the auto seat.

(B) The knees of the person bend over the edge of the auto seat.

(C) The shoulder belt snugly crosses the center of the person's chest and shoulder, not the person's neck.

(D) The lap belt is as low as possible and is touching the person's thighs.

(E) The person can stay seated like this for the whole trip.

(d) (1) A person shall not operate a motor vehicle on a highway unless that person and all passengers 16 years of age or over are properly restrained by a safety belt. This paragraph does not apply to the operator of a taxicab, as defined in Section 27908, when the taxicab is driven on a city street and is engaged in the transportation of a fare-paying passenger. The safety belt requirement established by this paragraph is the minimum safety standard applicable to employees being transported in a motor vehicle. This paragraph does not preempt more stringent or restrictive standards imposed by the Labor Code or another state or federal regulation regarding the transportation of employees in a motor vehicle.

(2) The operator of a limousine for hire or the operator of an authorized emergency vehicle, as defined in subdivision (a) of Section 165, shall not operate the limousine for hire or authorized emergency vehicle unless the operator and any passengers eight years of age or over in the front seat, are properly restrained by a safety belt.

(3) The operator of a taxicab shall not operate the taxicab unless any passengers eight years of age or over in the front seat, are properly restrained by a safety belt.

(e) A person 16 years of age or over shall not be a passenger in a motor vehicle on a highway unless that person is properly restrained by a safety belt. This subdivision does not apply to a passenger in a sleeper berth, as defined in subdivision (x) of Section 1201 of Title 13 of the California Code of Regulations.

(f) An owner of a motor vehicle, including an owner or operator of a taxicab, as defined in Section 27908, or a limousine for hire, operated on a highway shall maintain safety belts in good working order for the use of the occupants of the vehicle. The safety belts shall conform to motor vehicle safety standards established by the United States Department of Transportation. This subdivision, however, does not require installation or maintenance of safety belts if it is not required by the laws of the United States applicable to the vehicle at the time of its initial sale.

(g) This section does not apply to a passenger or operator with a physically disabling condition or medical condition that would prevent appropriate restraint in a safety belt, if the condition is duly certified by a licensed physician and surgeon or by a licensed chiropractor who shall state the nature of the condition, as well as the reason the restraint is inappropriate. This section also does not apply to a public employee, if the public employee is in an authorized emergency vehicle as defined in paragraph (1) of subdivision (b) of Section 165, or to a passenger in a seat behind the front seat of an authorized emergency vehicle as defined in paragraph (1) of subdivision (b) of Section 165 operated by the public employee, unless required by the agency employing the public employee.

(h) Notwithstanding subdivision (a) of Section 42001, a violation of subdivision (d), (e), or (f) is an infraction punishable by a fine of not more than twenty dollars (\$20) for a first offense, and a fine of not more than fifty dollars (\$50) for each subsequent offense. In lieu of the fine and any penalty assessment or court costs, the court, pursuant to Section 42005, may order that a person convicted of a first offense attend a school for traffic violators or another court-approved program in which the proper use of safety belts is demonstrated.

(i) In a civil action, a violation of subdivision (d), (e), or (f), or information of a violation of subdivision (h), does not establish negligence as a matter of law or negligence per se for comparative fault purposes, but negligence may be proven as a fact without regard to the violation.

(j) If the United States Secretary of Transportation fails to adopt safety standards for manual safety belt systems by September 1, 1989, a motor vehicle manufactured after that date for sale or sold in this state shall not be registered unless it contains a manual safety belt system that meets the performance standards applicable to automatic crash protection devices adopted by the United States Secretary of Transportation pursuant to Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R. 571.208) as in effect on January 1, 1985.

(k) A motor vehicle offered for original sale in this state that has been manufactured on or after September 1, 1989, shall comply with the automatic restraint requirements of Section S4.1.2.1 of Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R. 571.208), as published in Volume 49 of the Federal Register, No. 138, page 29009. An automobile manufacturer that sells or delivers a motor vehicle subject to this subdivision, and fails to comply with this subdivision, shall be punished by a fine of not more than five hundred dollars (\$500) for each sale or delivery of a noncomplying motor vehicle.

(l) Compliance with subdivision (j) or (k) by a manufacturer shall be made by self-certification in the same manner as self-certification is accomplished under federal law.

(m) This section does not apply to a person actually engaged in delivery of newspapers to customers along the person's route if the person is properly restrained by a safety belt prior to commencing and subsequent to completing delivery on the route.

(n) This section does not apply to a person actually engaged in collection and delivery activities as a rural delivery carrier for the United States Postal Service if the person is properly restrained by a safety belt prior to stopping at the first box and subsequent to stopping at the last box on the route.

(o) This section does not apply to a driver actually engaged in the collection of solid waste or recyclable materials along that driver's collection route if the driver is properly restrained by a safety belt prior to commencing and subsequent to completing the collection route.

(p) Subdivisions (d), (e), (f), (g), and (h) shall become inoperative immediately upon the date that the United States Secretary of Transportation, or their delegate, determines to rescind the portion of the Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R. 571.208) that requires the installation of automatic restraints in new motor vehicles, except that those subdivisions shall not become inoperative if the secretary's decision to rescind that Standard No. 208 is not based, in any respect, on the enactment or continued operation of those subdivisions.

(q) This section shall become operative on January 1, 2027.

**SEC. 3.** Section 27318 of the Vehicle Code is amended to read:

**27318.** (a) A passenger who is 16 years of age or older in a bus shall be properly restrained by a safety belt.

(b) A parent, legal guardian, or chartering party shall not transport on a bus, or permit to be transported on a bus, a child, ward, or passenger who is eight years of age or older, but under 16 years of age, unless they are properly restrained by a safety belt.

(c) Except as provided in subdivision (d), a parent, legal guardian, or chartering party shall not transport on a bus, or permit to be transported on a bus, a child, ward, or passenger who is under eight years of age and under four feet nine inches in height, unless they are acceptably restrained by a safety belt.

(d) If it is not possible to ensure a child, ward, or passenger who is under eight years of age and under four feet nine inches in height is acceptably restrained by a safety belt because of their size, a parent, legal guardian, or chartering party shall either secure them in an appropriate child passenger restraint system that meets applicable federal motor vehicle safety standards, or if the child, ward, or passenger is under two years of age, may authorize a parent, legal guardian, or chartering party to hold them.

(e) (1) For purposes of this section, "acceptably restrained by a safety belt" means all of the following:

(A) The latch plate is securely fastened in the buckle.

(B) The lap belt shall be adjusted to fit low and tight across the hips or upper thighs, not the stomach area.

(C) The shoulder belt shall be adjusted snugly across the chest and the middle of the shoulder, away from the neck.

(D) The shoulder belt shall not be placed behind the back or under the arm.

(2) For purposes of this section, "properly restrained by a safety belt" means that the lap belt crosses the hips or upper thighs of the occupant and the shoulder belt, if present, crosses the chest in front of the occupant.

(3) For purposes of this section, "bus" means a bus that is equipped with safety belts, including a bus that is required to be equipped with a seatbelt assembly pursuant to Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R. 571.208).

(f) Subdivisions (a), (b), (c), and (d) do not apply to a passenger that is leaving, has left, or is returning from their seat to use an onboard bathroom.

(g) If the bus is equipped with safety belts, the motor carrier shall maintain safety belts in good working order for the use of passengers of the vehicle.

(h) A motor carrier operating a bus equipped with safety belts shall do one of the following:

(1) Require the bus driver, before departure of a bus carrying passengers, to inform passengers of the requirement to wear the seatbelt under California law and inform passengers that not wearing a seatbelt is punishable by a fine.

(2) Post, or allow to be posted, signs or placards that inform passengers of the requirement to wear a seatbelt under California law and that not wearing a seatbelt is punishable by a fine. The signs or placards shall be in a font type and font size that is reasonably easy to read and shall be affixed to a bus in multiple, conspicuous locations.

(i) Notwithstanding subdivision (a) of Section 42001, a violation of subdivision (a), (b), (c), or (d) is an infraction punishable by a fine of not more than twenty dollars (\$20) for a first offense, and a fine of not more than fifty dollars (\$50) for each subsequent offense.

(j) This section does not apply to a schoolbus described in Section 27316 or a school pupil activity bus described in Section 27316.5.

(k) This section shall remain in effect only until January 1, 2027, and as of that date is repealed.

**SEC. 4.** Section 27318 is added to the Vehicle Code, to read:

**27318.** (a) A passenger who is 16 years of age or older in a bus shall be properly restrained by a safety belt.

(b) Except as provided in subdivision (c), a parent, legal guardian, or chartering party shall not transport on a bus, or permit to be transported on a bus, a child, ward, or passenger who is under 16 years of age unless they are properly restrained by a safety belt.

(c) If it is not possible to ensure a child, ward, or passenger who is under eight years of age and under four feet nine inches in height is properly restrained by a safety belt because of their size, a parent, legal guardian, or chartering party shall either secure them in an appropriate child passenger restraint system that meets applicable federal motor vehicle safety standards, or if the child, ward, or passenger is under two years of age, may authorize a parent, legal guardian, or chartering party to hold them.

(d) (1) For purposes of this section, the following terms and phrases have the following meanings:

(2) "Bus" means a bus that is equipped with safety belts, including a bus that is required to be equipped with a seatbelt assembly pursuant to Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R. 571.208).

(3) "Properly restrained by a safety belt" means the child, ward, or passenger meets all of the following requirements of the 5-Step test:

(A) The child, ward, or passenger is sitting all the way back against the auto seat.

(B) The knees of the child, ward, or passenger bend over the edge of the auto seat.

(C) The shoulder belt snugly crosses the center of the child, ward, or passenger's chest and shoulder, not the child, ward, or passenger's neck.

(D) The lap belt is as low as possible and is touching the child, ward, or passenger's thighs.

(E) The child, ward, or passenger can stay seated like this for the whole trip.

(e) Subdivisions (a), (b), and (c) do not apply to a passenger that is leaving, has left, or is returning from their seat to use an onboard bathroom.

(f) If the bus is equipped with safety belts, the motor carrier shall maintain safety belts in good working order for the use of passengers of the vehicle.

(g) A motor carrier operating a bus equipped with safety belts shall do one of the following:

(1) Require the bus driver, before departure of a bus carrying passengers, to inform passengers of the requirement to wear the seatbelt under California law and inform passengers that not wearing a seatbelt is punishable by a fine.

(2) Post, or allow to be posted, signs or placards that inform passengers of the requirement to wear a seatbelt under California law and that not wearing a seatbelt is punishable by a fine. The signs or placards shall be in a font type and font size that is reasonably easy to read and shall be affixed to a bus in multiple, conspicuous locations.

(h) Notwithstanding subdivision (a) of Section 42001, a violation of subdivision (a), (b), or (c) is an infraction punishable by a fine of not more than twenty dollars (\$20) for a first offense, and a fine of not more than fifty dollars (\$50) for each subsequent offense.

(i) This section does not apply to a schoolbus described in Section 27316 or a school pupil activity bus described in Section 27316.5.

(j) This section shall become operative on January 1, 2027.

**SEC. 5.** Section 27360.5 of the Vehicle Code is amended to read:

**27360.5.** (a) A parent, legal guardian, or driver shall not transport on a highway in a motor vehicle, as defined in paragraph (1) of subdivision (c) of Section 27315, a child or ward who is eight years of age or older, but less than 16 years of age, without properly securing that child or ward in an appropriate child passenger restraint system or safety belt meeting applicable federal motor vehicle safety standards.

(b) Subdivision (a) does not apply to a driver if the parent or legal guardian of the child is also present in the motor vehicle and is not the driver.

(c) This section shall remain in effect only until January 1, 2027, and as of that date is repealed.

**SEC. 6.** Section 27360.5 is added to the Vehicle Code, to read:

**27360.5.** (a) A parent, legal guardian, or driver shall not transport on a highway in a motor vehicle, as defined in paragraph (1) of subdivision (c) of Section 27315, a child or ward who is eight years of age or older, but less than 16 years of age, without properly securing that child or ward in an appropriate child passenger restraint system meeting applicable federal motor vehicle safety standards or unless the child or ward is properly restrained by a safety belt.

(b) Subdivision (a) does not apply to a driver if the parent or legal guardian of the child is also present in the motor vehicle and is not the driver.

(c) For purposes of this section, "properly restrained by a safety belt" means the child or ward meets all of the following requirements of the 5-Step test:

- (1) The child or ward is sitting all the way back against the auto seat.
- (2) The knees of the child or ward bend over the edge of the auto seat.
- (3) The shoulder belt snugly crosses the center of the child's chest and shoulder, not the child's neck.
- (4) The lap belt is as low as possible and is touching the child or ward's thighs.
- (5) The child or ward can stay seated like this for the whole trip.

(d) This section shall become operative on January 1, 2027.

**SEC. 7.** Section 27363 of the Vehicle Code is amended to read:

**27363.** (a) The court may exempt from the requirements of this article any class of child by age, weight, or size if it is determined that the use of a child passenger restraint system would be impractical by reason of physical unfitness, medical condition, or size. The court may require satisfactory proof of the child's physical unfitness, medical condition, or size and that an appropriate special needs child passenger restraint system is not available.

(b) In case of a life-threatening emergency, or when a child is being transported in an authorized emergency vehicle, if there is no child passenger restraint system available, a child may be transported without the use of that system, but the child shall be secured by a seatbelt.

(c) A child weighing more than 40 pounds may be transported in the backseat of a vehicle while wearing only a lap safety belt when the backseat of the vehicle is not equipped with a combination lap and shoulder safety belt.

(d) Notwithstanding Section 27360, a child or ward under eight years of age who is four feet nine inches in height or taller may be properly restrained by a safety belt, as defined in paragraph (2) of subdivision (d) of Section 27315, rather than by a child passenger restraint system.

(e) Notwithstanding Section 27360, a child or ward under eight years of age may ride properly secured in an appropriate child passenger restraint system meeting applicable federal motor vehicle safety standards in the front seat of a motor vehicle under any of the following circumstances:

- (1) There is no rear seat.
- (2) The rear seats are side-facing jump seats.
- (3) The rear seats are rear-facing seats.
- (4) The child passenger restraint system cannot be installed properly in the rear seat.
- (5) All rear seats are already occupied by children seven years of age or under.
- (6) Medical reasons necessitate that the child or ward not ride in the rear seat. The court may require satisfactory proof of the child's medical condition.

(f) Notwithstanding subdivision (e), a child shall not be transported in a rear-facing child passenger restraint system in the front seat of a motor vehicle that is equipped with an active frontal passenger airbag.

(g) This section shall remain in effect only until January 1, 2027, and as of that date is repealed.

**SEC. 8.** Section 27363 is added to the Vehicle Code, to read:

**27363.** (a) The court may exempt from the requirements of this article any class of child by age, weight, or size if it is determined that the use of a child passenger restraint system would be impractical by reason of physical unfitness, medical condition, or size. The court may require satisfactory proof of the child's physical unfitness, medical condition, or size and that an appropriate special needs child passenger restraint system is not available.

(b) In case of a life-threatening emergency, or when a child is being transported in an authorized emergency vehicle, if there is no child passenger restraint system available, a child may be transported without the use of that system, but the child shall be secured by a seatbelt.

(c) A child weighing more than 40 pounds may be transported in the backseat of a vehicle while wearing only a lap safety belt when the backseat of the vehicle is not equipped with a combination lap and shoulder safety belt.

(d) Notwithstanding Section 27360, a child or ward under eight years of age who is four feet nine inches in height or taller may be properly restrained by a safety belt rather than by a child passenger restraint system.

(e) Notwithstanding Section 27360, a child or ward under eight years of age may ride properly secured in an appropriate child passenger restraint system meeting applicable federal motor vehicle safety standards in the front seat of a motor vehicle under any of the following circumstances:

(1) There is no rear seat.

(2) The rear seats are side-facing jump seats.

(3) The rear seats are rear-facing seats.

(4) The child passenger restraint system cannot be installed properly in the rear seat.

(5) All rear seats are already occupied by children seven years of age or under.

(6) Medical reasons necessitate that the child or ward not ride in the rear seat. The court may require satisfactory proof of the child's medical condition.

(f) Notwithstanding subdivision (e), a child shall not be transported in a rear-facing child passenger restraint system in the front seat of a motor vehicle that is equipped with an active frontal passenger airbag.

(g) For purposes of this section, "properly restrained by a safety belt" means the child or ward meets all of the following requirements of the 5-Step test:

(1) The child or ward is sitting all the way back against the auto seat.

(2) The knees of the child or ward bend over the edge of the auto seat.

(3) The shoulder belt snugly crosses the center of the child's chest and shoulder, not the child's neck.

(4) The lap belt is as low as possible and is touching the child or ward's thighs.

(5) The child or ward can stay seated like this for the whole trip.

(h) This section shall become operative on January 1, 2027.

**SEC. 9.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.