

1 AN ACT relating to child vehicle seats.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 189.125 is amended to read as follows:

- 4 (1) Except as otherwise provided in this section, "motor vehicle" as used in this section
5 means every vehicle designed to carry fifteen (15) or fewer passengers and used for
6 the transportation of persons, but the term does not include:
- 7 (a) Motorcycles;
 - 8 (b) Motor-driven cycles; or
 - 9 (c) Farm trucks registered for agricultural use only and having a gross weight of
10 one (1) ton or more.
- 11 (2) A person shall not sell any new motor vehicle in this state nor shall any person
12 make application for registering a new motor vehicle in this state unless the front or
13 forward seat or seats have adequate anchors or attachments secured to the floor
14 and/or sides to the rear of the seat or seats to which seat belts may be secured.
- 15 (3) (a) Any driver of a motor vehicle, when transporting a child of forty (40) inches
16 in height or less in a motor vehicle operated on the roadways, streets, and
17 highways of this state, shall have the child properly secured in a child restraint
18 system of a type meeting federal motor vehicle safety standards.
- 19 (b) Any driver of a motor vehicle, when transporting a child under the age of
20 eight (8) years who is between forty (40) inches and fifty-seven (57) inches in
21 height in a motor vehicle operated on the roadways, streets, and highways of
22 this state, shall have the child properly secured in a child booster seat. A child
23 of any age who is greater than fifty-seven (57) inches in height shall not be
24 required to be secured in a child booster seat under this section.
- 25 (4) As used in this section:
- 26 (a) "Child restraint system" means any device manufactured to transport children
27 in a motor vehicle which conforms to all applicable federal motor vehicle

1 safety standards; and

2 (b) "Child booster seat" means a child passenger restraint system that meets the
3 standards set forth in 49 C.F.R. Part 571 that is designed to elevate a child to
4 properly sit in a federally approved lap-and-shoulder belt system.

5 (5) Failure to use a child passenger restraint system or a child booster seat shall not be
6 considered as contributory negligence, nor shall such failure to use a passenger
7 restraint system or booster seat be admissible as evidence in the trial of any civil
8 action. Failure of any person to wear a seat belt shall not constitute negligence per
9 se.

10 (6) A person shall not operate a motor vehicle manufactured after 1981 on the public
11 roadways of this state unless the driver and all passengers are wearing a properly
12 adjusted and fastened seat belt, unless the passenger is a child who is secured as
13 required in subsection (3) of this section. The provisions of this subsection shall not
14 apply to:

15 (a) A person who has in his possession at the time of the conduct in question a
16 written statement from a physician, advanced practice registered nurse, or
17 licensed chiropractor that he is unable, for medical or physical reasons, to
18 wear a seat belt; or

19 (b) A letter carrier of the United States postal service while engaged in the
20 performance of his duties.

21 (7) A conviction for a violation of subsection (6) of this section shall not be transmitted
22 by the court to the Transportation Cabinet. The Transportation Cabinet shall not
23 include a conviction for a violation of subsection (6) of this section as part of any
24 person's driving history record.

25 (8) The provisions of subsection (6) of this section shall supersede any existing local
26 ordinance involving the use of seat belts. No ordinance contrary to subsection (6) of
27 this section may be enacted by any unit of local government.

- 1 (9) In the event of a traffic collision, any child restraint system or booster seat
2 installed in the vehicle shall be replaced, unless:
3 (a) There is no visible damage to the child restraint system or booster seat;
4 (b) The vehicle was capable of being driven from the crash site;
5 (c) The car door nearest the child restraint system or booster seat was
6 undamaged;
7 (d) No one in the vehicle was injured in the collision; and
8 (e) The air bags did not deploy.
9 (10) Any replacement child restraint system or booster seat shall be in accordance
10 with the provisions of subsection (4) of this section.