



State of California—Health and Human Services Agency  
**Department of Health Services**



Governor

October 16, 2006

**TO:** County Health Department Health Officers and Child Passenger Safety Coordinators

**FROM:** Department of Public Health, Vehicle Occupant Safety Program (VOSP)

**RE:** Child Passenger Safety Program Implementation Guide for County Health Departments in California – October 2006  
(Per Assembly Bill 1697, Chapter 524, Statutes of 2003 and Assembly Bill 2139, Chapter 420, Statutes of 2004)

The enclosed *Child Passenger Safety (CPS) Program Implementation Guide* is designed to assist local health departments in implementing the requirements of the most current CPS laws; AB 2139 (Chapter 420, Statutes of 2004) and AB 1697 (Chapter 524, Statutes of 2003). In September 2006 (AB 2108) as well as September 2007 (AB 881 Governor Schwarzenegger vetoed these bills which would have increased the requirement that children up to age eight are appropriately restrained in a booster seat in the rear seat. In September 2004, Governor Schwarzenegger signed AB 2139, which became effective on January 1, 2005, which clarified technical language in child passenger safety laws. Also, in September 2003, former Governor Davis signed legislation, which became enforceable on January 1, 2005, requiring all children aged 0-6 years or up to 60 pounds to be properly restrained in the back seat.

The information provided in the 2006 CPS Program Implementation Guide focuses on the Vehicle Code (VC) Sections 27360 and 27360.5 that detail the most current child passenger restraint requirements and Kaitlyn's Law VC 15620. Up to eighty-five percent of the funds generated through fines from these violations are earmarked for administration and implementation of CPS community education and low-cost purchase or loaner programs.

I hope you find the 2006 CPS Program Implementation Guide helpful. If you have any questions please contact Kate Bernacki, at (916) 552-9855.

Sincerely,

Barb Alberson, M.P.H.  
Chief, State and Local Injury Control Section

***CALIFORNIA CHILD PASSENGER SAFETY PROGRAM  
IMPLEMENTATION GUIDE  
FOR COUNTY HEALTH DEPARTMENTS***

***Revised September 2009***

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## I. HISTORY OF CHILD PASSENGER SAFETY (CPS) LAWS

Senator Petris carried the first child passenger restraint legislation in California that became law in January 1983, and in 1991 carried Senate Bill (SB) 1073 (Chapter 1223, Statutes of 1991), which became effective on January 1, 1992. This law provided funds generated through fines for local health departments to implement or oversee the implementation of child passenger restraint education and low cost car seat purchase programs while strengthening the existing penalties for not using child passenger restraints. Between 1992 and 1998 the child passenger restraint legislation went through several amendments, which acted to strengthen and clarify the language of the law.

The next major change was initiated in 1999 when Senator Jackie Speier carried Senate Bill 567. These changes included higher fines for violations of Vehicle Code (VC) Sections 27360 and 27360.5, and also increased the age of use of child safety restraints from four years and 40 pounds to six years or 60 pounds. Former Governor Davis signed this legislation into law (Chapter 675, Statutes of 2000) in September of 2000. In 2003, Assembly Member Pavley carried Assembly Bill (AB) 1697 to place all children age six years or 60 pounds in the back seat. Former Governor Davis signed this legislation into law (Chapter 524, Statutes of 2003) in September 2003 to become operative on January 1, 2005. In 2004, Assembly Member Maze carried Assembly Bill (AB) 2139 to clarify the technical language of these laws (Chapter 420, Statutes of 2004). Appendix 1 summarizes the most relevant aspects and changes of California CPS laws over the past five years. **Appendix 2** offers the current Vehicle Codes for 27360, 27360.5 and 15620.

Note: Historical documents referencing the original intent of California CPS law suggest that they were intentionally written to provide local health departments with flexibility in program design based on local needs, funding levels and other available resources. Such flexibility also included allowing the county the option of contracting with another agency to implement all or part of their CPS program.

## II. LOCAL HEALTH DEPARTMENT MANDATES & RECOMMENDATIONS

Vehicle Codes 27360 and 27360.5 law requires local health departments (all 58 counties and the three cities of Berkeley, Long Beach and Pasadena) to set up a system to address child passenger safety mandates.

### **Mandates**

- The county health department must designate a CPS Coordinator.
- The CPS Coordinator must facilitate the creation of a special account and develop a relationship with the municipal court system to facilitate the transfer of funds through violations from VC Sections 27360 and 27360.5 to the CPS program.
- A community education program can be established that includes, but is not limited to, demonstration of the installation of a child passenger restraint system for children of all

ages, and also assists economically disadvantaged families in obtaining a restraint system through a low-cost purchase or loan.

- As the proceeds from the fines become available, local health departments must:
  - Prepare and maintain a listing of all low-cost child passenger restraint (and loaner) programs in their counties, including semiannual verification that all programs listed are in operation.
  - Each county must forward this listing to VOSP which maintains this on behalf of the California Office of Traffic Safety (OTS). VOSP updates this information annually and makes this available on our website at: <http://www.cdph.ca.gov/HealthInfo/injviosaf/Pages/CarSeatBasics.aspx> under the name “Who’s Got Car Seats?” This information is available to local courts, birthing centers, community child health and disability prevention programs, county clinics, prenatal clinics, women, infant and children programs, county hospitals and the public.

### **Kaitlyn’s Law (VC 15620, Never Leave Children Alone In Cars)**

Violations to Vehicle Code Section 15620, commonly known as Kaitlyn’s Law, are treated in the same manner as the child passenger safety codes. Local health department’s secure up to 70% of the \$100 base fine which is deposited in the CPS fund to be used for local education and prevention efforts.

#### *Kaitlyn’s Law states:*

A parent, legal guardian, or other person responsible for a child who is six years of age or younger may not leave that child inside a motor vehicle without being subject to the supervision of a person who is 12 years of age or older, under either of the following circumstances:

- Where there are conditions that present a significant risk to the child's health or safety.
- When the vehicle's engine is running or the vehicle's keys are in the ignition, or both.

When the court refers a violator of Kaitlyn’s Law to a Violator Education Class it is the same class that one would attend for any child passenger restraint violation. Thus it is encouraged that both your community education and violator education classes include information pertaining to Kaitlyn’s Law.

### **III. GUIDELINES TO DEVELOP YOUR LOCAL HEALTH DEPARTMENT CPS PROGRAM**

The following is a step-by-step guide to assist you in implementing the provisions of the child passenger restraint laws. These suggested activities stem from discussions with local court administrators, county fiscal officers, and local health department staff. In developing your own CPS program, include your legal department to determine local interpretation of the law

and your health department's responsibilities. To get a copy of the current CPS laws go to [http://www.dmv.ca.gov/pubs/vctop/vc/tocd12c5a3\\_3.htm](http://www.dmv.ca.gov/pubs/vctop/vc/tocd12c5a3_3.htm)

The money allocated to the health department as a result of the fines collected are available to conduct any desired component of your CPS program. If you do not have enough funds in your child passenger restraint account to conduct your CPS program, you may want to seek other funding options such as grants (e.g., Kids' Plates, Office of Traffic Safety, SAFE KIDS), corporate sponsorship (e.g., Chevrolet, General Motors, State Farm, AAA) or service organization (i.e. Kiwanis) support. The health department may contract with another agency or community group to provide all or part of the program.

Educating the community on CPS issues, and in particular impacting hard to reach and underserved populations is the main focus of many programs. A majority of CPS programs include the following community outreach components:

- 1) Low cost or no cost car seats/booster seats available for low-income families or referrals or vouchers to allow access to car seats. [Note: for most programs the logistics of offering a loaner program is impractical and thus low cost car seat programs are more often implemented. For future referral to the "Low Cost or Loaner Car Seat Program" the terminology "Low Cost Car Seat Program" will be used to mean both programs when available.]
- 2) A community based educational outreach campaign targeting one or more of the following groups: families with small children, judges and traffic court adjudicators, law enforcement, childcare, hospitals, birthing centers, and community groups in contact with any of the above. Examples of specific program activities are:
  - Collaboration with local birthing and other hospitals and clinics to institutionalize policies and procedures to ensure that the first ride home is a safe ride home.
  - Training for county direct service providers and other employees on how to install and use car safety seats.<sup>1</sup>
  - Collaboration with childcare resource and referral agencies to incorporate CPS into their trainings for childcare providers.
  - A violator education program to educate CPS restraint defendants. See B (5) below for further information and the Violator Education Minimum Guidelines for recommendations of what to include in your violator class.
  - An evaluation mechanism to assess the impact of your CPS program, including data on the number of fines levied before and after the program has started, and a follow-up system to determine if violators are using car seats correctly following the education.

#### **A. Distributing the List of CPS Classes and Low Cost Car Seat Programs**

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<sup>1</sup> If establishing a low cost purchase program, it is suggested that staff provide coupons/vouchers that are redeemable at a nearby retail outlet rather than buy and store seats in-house.

On behalf of the OTS, the California Department of Public Health (CDPH) VOSP, has created the *Who's Got Car Seats!* document, which contains a compilation of all child passenger restraint programs statewide. Annually, VOSP staff sends out a request to all local health departments requesting an update of local programs that provide CPS community education and car seats distribution programs. This information is then compiled for OTS and is available on the CDPH website at: [cdph.ca.gov/programs/Pages/CPSinCalifornia-VOSP.aspx](http://cdph.ca.gov/programs/Pages/CPSinCalifornia-VOSP.aspx) for local health departments to disseminate to the courts, hospitals and other legislatively mandated and appropriate agencies, and is available to the public.

## **B. Violator Education Program**

### **1) Collaborating with Law Enforcement to Encourage CPS Citations**

To initiate the cycle of enforcement and disposition, which is the combination of local law enforcement and California Highway Patrol (CHP) cites CPS law violators. Correctly citing CPS violators is the first step to generating fine monies. Contact your local law enforcement and find an educational venue in which you can educate (or remind) officers how and what to cite under each of the VC Sections 27360, 27360.5 and 15620. Providing knowledge for officers that their citation is critical in starting the cycle and how the next steps take place, which includes: the parent is seen by the judge, pays a fine which in turn supports further CPS in their community, and ultimately the parent is educated and the child is properly secured. Reinforcing for officers their key involvement in this process of properly securing children reduces risks of injury and fatalities in their communities.

### **2) Contacting the Courts to Secure CPS Fine Monies**

A portion of the fine monies generated from violations to Vehicle Code Sections 27360 and 27360.5 are intended for local CPS programs. (Also, CPS monies are generated by VC Section 15620, Kaitlyn's Law. See section titled "Kaitlyn's Law" below for further information.) Since funding originates with the courts, the first step is to establish a relationship with the municipal court system. City health departments (Berkeley, Long Beach and Pasadena) will need to coordinate with their corresponding county health departments on collaborations.

When contacting the courts, begin by providing a letter of introduction and materials that include local child passenger restraint injury and death data, a copy of relevant child passenger restraint laws and program promotion materials, to the appropriate court administrative staff member (e.g., judicial assistant, secretary, clerk or other administrator). It is advised to follow-up with the court administrative staff person and schedule a meeting to discuss the distribution of the collected fines and the CPS education referral process. (In small counties, the court administrator may be the only "staff.")

Not all courts are eager or interested in collaborating and referring violators to an educational program. You may be more persuasive if you bring collaborators with you to meet the judge (i.e. law enforcement, community members or the medical community) and discuss the collaborative role that the community and service agencies are working towards to ensure child safety. Sometimes it's persuasive if a law enforcement officer discusses how they give

tickets for these infractions. You can then pick up that those cited then see the judge for the next step in the cycle. Remind the judge it is through their efforts in which the defendant will become educated on what is the proper restraint use for their children through a referral to a violator education program and through the fine monies imposed. Again, remind the judge that the fine monies go back to the health department to offer education and community service to disadvantaged families who are in need of child passenger safety information and car seats.

### **3) Meeting with the Courts to Set up a Court Referred Violator Education Class**

When you meet with the judge (or other court staff members) at the initial or subsequent meeting, you should include a discussion about the tools necessary to support the implementation of the referral process from the courts to the violator education classes and low cost car seat programs.

These tools may include the following:

- a checklist with pertinent information to assist judges in completing the referral process;
- an updated listing of CPS educational classes and local low-cost programs (also in adjacent areas, if appropriate);
- a written referral form or “prescription” slip for the family, and discount coupons or vouchers if a program is available;
- a simple (visual) brochure on the benefits of car seats and the proper use of seats;
- an Income Eligibility Table; and
- a tool for tracking violations.

Once a relationship is established, a letter of agreement can be drafted and signed by representatives of the court and health department. As a part of this agreement, a contact person(s) from the court and the health department should be identified to facilitate implementation and to solve any problem that may surface.

The next step is to discuss the law with your health department fiscal or accounting staff since a special account may have to be set up to receive the funds. This may be a fairly simple task if the department has worked with the court system regarding other public health programs (e.g., AIDS or substance abuse).

### **4) Defining Economically Disadvantaged**

One of the first questions that the court system is likely to ask is what criteria should be used to determine if a defendant is eligible for a referral in lieu of a fine. The law states that the court may reduce or waive the first offense if:

- the defendant establishes, to the satisfaction of the court, that he or she is economically disadvantaged, *and*;
- the defendant is referred to an educational program to obtain education and, if needed a low-cost purchase car seat or booster seat.

It is suggested that economically disadvantaged be defined as those families whose annual income does not exceed 200 percent of the Federal Poverty Level. This has been used

successfully as the financial eligibility criteria for many other public health and social service programs. A copy of current Department of Health and Human Services Poverty Guidelines is found at <http://aspe.os.dhhs.gov/poverty/index.shtml>

### **5) The Violator Education Class**

The SB 567 (Chapter 675, Statutes of 2000) statute more clearly describes the referral process to a community or violator education program (this can be a community education program with specific components added to meet violator education requirement for the courts). Ideally, the judge will uphold the fine and refer all violators to a violator education program. If however, the violator shows proof of “economic disadvantage”, the judge may reduce or waive the fine and still refers the person to a violator education program. If the violator also is in need of a low cost car seat, then they can be referred to the health department to assist with this request. (Ideally, all violator education programs that are not being run out of the health department are collaborating with the local health department can assist in providing low cost car seats.)

Violator education programs are community education programs that include, but are not limited to, education on the proper installation and use of child passenger restraint systems for children of all ages. Upon completion of the program, the defendant provides proof of participation in the program. Under VC Sections 27360 and 27360.5, if an education program on the proper installation and use of a child passenger restraint system is not available within 50 miles of the residence of the defendant, the requirement may be waived.

VOSP has posted volunteer *Violator Education Program Curriculum Guidelines* on the website at <http://cdph.ca.gov/HealthInfo/injviosaf/Pages/CPSSupportofCPSPrograms.aspx> with the intention to enhance standardization of violator education programs statewide

**Appendix 3** *Violator Education Program Curriculum Guidelines* . All California based violator education programs can post their course on the VOSP website regardless if they meet the guidelines. Although it is voluntary, VOSP is recommending this standardization to promote ease of working with your local judiciary and to enhance the likelihood of cross-county reciprocity. The guidelines were developed by the California CPS Quality Task Force Violator Work Group in 2004.

### **6) Including VC 27360.5 Violators**

Fines are also collected for CPS violations of not properly secured children from 6-16 years under VC Section 27360.5 and are allocated in the same manner to the health department as VC Section 27360. In many counties as many convictions are recorded for VC Section 27360.5 as it is for VC Section 27360. Therefore, violator education classes, and general community educations too, should include information on the importance and the procedures to properly securing children ages 6-16 years.

## **C. The Role of Violation Data**

Citations for violations of VC 27360, 27360.5 and 15620 given by either local (police or sheriff) or state (California Highway Patrol) law enforcement is passed onto DMV where a person is either convicted or the citation is dismissed. If a person is convicted then the

courts send this information to the Department of Motor Vehicles (DMV) and it's recorded as a conviction.

VOSP provides conviction data from the DMV and citation data from the CHP on occupant protection related vehicle code violations for you to be able to analyze the effectiveness of your outreach activities. To evaluate your program using this data, compare across multiple years, and perhaps with other counties who resemble your county's population. Use the *Discussion of How to Use Violation Data* to learn more about this useful tool. **Appendix 2** California violation data discussion.

#### **D. How to Assist Hospitals to Comply with the Child Passenger Restraint Law**

The requirements as of 2000 states that all clinics, hospitals, birth centers and health facilities must have a written policy to provide patients with education, including the law, a list of local car seat distribution programs, and information about risks to unrestrained children (see also Sections 1204.3, 1212, and 1268 of the California Health and Safety Code).

It is extremely beneficial if health department staff work with all local hospitals to encourage the development or enhancement of an in-house program. For assistance in developing policy in local hospitals or health care facilities, refer to *Child Passenger Safety: The Health Care Connection (Are You in Compliance?): Policy & Procedure Development Guidelines* which can be found on the VOSP website:

<http://www.cdph.ca.gov/HealthInfo/injviosaf/Pages/CPSSupportofCPSPrograms.aspx>

#### **E. How To Assist Childcare Centers To Comply With The CPS Laws**

Childcare Centers have licensing requirements to post and comply with current CPS laws for transporting children. Childcare center staff benefit from education on how to properly install child safety seats and how to inform parents on the importance of correct CPS seat use. The Moving Kids Safely in Child Care curriculum provides guidelines on working with child care centers. Every health department CPS Coordinator received a hard copy of the Moving Kids Safely in Child Care hard copy instructor's curriculum and CD in January 2005.

### **IV. ROLE OF VOSP**

VOSP's role is to provide support, technical assistance and resources to California's child passenger safety community. VOSP assists the local CPS Coordinators housed in the health departments as well as the broader CPS community including: SAFE KIDS Coalitions and Chapters, advocacy organizations, hospitals, insurance companies, car dealerships and manufacturers, car seat manufacturers and distributors, law enforcement, fire, EMS, and other CPS partners.

VOSP offers a variety of resources including:

- Bi-monthly informational teleconference calls

- Car Seats R Kids Stuff! manual (a guide to start your CPS program)
- Injury and fatality data (EPIcenter)
- Statewide CPS Technician Training system
- Violator data (conviction data from the Department of Motor Vehicles and citation data from California Highway Patrol) by county
- and a website that identifies all these resources  
<http://www.cdph.ca.gov/programs/Pages/CPSinCalifornia-VOSP.aspx>

VOSP staff is available to assist you as you start to develop your program or need advice or resources along the way. Please feel free to contact us at:

Vehicle Occupant Safety Program (VOSP)  
Safe and Active Communities Branch  
Department of Public Health  
1616 Capitol Avenue, Suite 74.420  
MS 7214  
Sacramento, CA 95899-7413  
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## **V. SUMMARY**

Local health departments have been designated to coordinate program development because of their focus on prevention and their wealth of expertise in working with diverse groups to establish and maintain public health programs. A great deal of flexibility has been built into the law to enable health departments to collaborate with their court systems, hospitals, law enforcement and other local agencies to develop and fund programs that respond to community needs. In conclusion, these implementation guidelines are a tool to help get your CPS program started.

**Appendix 1**  
**CHANGES IN THE CALIFORNIA CHILD RESTRAINT LAW**  
**(VC SECTIONS 27360 & 27360.5)**

<b>Applies to</b>	<b>Requirements in 2000</b>	<b>Changes in 2001</b>	<b>Changes in 2002</b>	<b>Changes in 2004</b>
<i>Children</i>	Must be properly secured in a child passenger restraint system until child is at least age 4, regardless of weight, or 40 lbs., regardless of age. Children at least age 4 and 40 lbs. but under age 16 must be properly secured in a safety belt.**	Clarifies that either a child passenger restraint system* or a properly secured safety belt** may be used for a child who is at least age 4 and 40 lbs. but under age 16.	Child passenger restraint system* is required until child is either age 6 or 60 lbs. When the child meets one of these criteria, either a child passenger restraint system or a properly fitted safety belt may be used.**	Child passenger is required to be in the back seat and in a restraint system* until child is either age 6 or weighs 60 lbs.  A child may not ride in the front seat of a motor vehicle with an active passenger air bag if the child is one of the following: <ul style="list-style-type: none"> <li>- Under one year of age.</li> <li>- Weighs less than 20 pounds.</li> <li>- Riding in a rear-facing child passenger restraint system.</li> </ul>
<i>ParentDriver</i>	The parent gets the ticket if he or she is in the car; otherwise, driver gets the ticket.	No change.	No change.	No change.
<i>Vehicles</i>	Applies to all motor vehicles except those designed for more than 10 occupants, emergency vehicles, and motorcycles.	No change.	No change.	No change.
<i>Exemptions</i>	In an emergency, a safety belt may be used if no child restraint is available. Possible exemption by court based on child's size or physical or medical condition	No change.	Added: If the child weighs over 40 lbs. and only lap belts are available in the back seat, a lap belt may be used.	<ul style="list-style-type: none"> <li>- There is no rear seat.</li> <li>- The rear seats are side-facing jump seats.</li> <li>- The rear seats are rear-facing seats.</li> <li>- The child passenger restraint system cannot be installed properly in the rear seat.</li> <li>- All rear seats are already occupied by children under the age of 12 years.</li> <li>- 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.</li> </ul>

\* The term "child passenger restraint system" includes car seats, boosters, harnesses, and other products certified to meet federal safety standards.

\*\* Description of proper safety belt use: lap belt low, touching thighs; shoulder belt on child's shoulder, not under arm or behind back. Most children do not fit properly in vehicle belts until at least 4'9" tall.

Applies to	Requirements in 2000	Changes in 2001	Changes in 2002	Changes in 2004
<i>Penalties</i>	For child under age 4 or under 40 lbs.: \$100 fine (violator pays approximately \$270 including penalty assessments) and one point on driving record. For child at least age 4 and 40 lbs.: \$50 fine (violator pays \$135 with penalty assessments).	For children at least age 4 (regardless of weight) and 40 lbs.(regardless of age): point added and fine raised to \$100 (violator pays approximately \$270 with penalty assessments). Fine for second offense raised to \$250 (violator pays \$425) for all children under 16.	No change.	No change.
<i>Health Department</i>	Designates person to work with court and coordinate program that provides education and assists low-income families to obtain car seats; may contract for program.	City health department receives fine money for the program if violation occurs in one of 3 cities with a health department (Berkeley, Long Beach, or Pasadena).	No change.	No change.
<i>Courts</i>	May waive fine for first offense if violator shows economic disadvantage. If fine is waived, court must refer violator to education program. Allocation of fine: 60% to county health department for program; 25% to county to administer program; 15% to city general fund unless violation is in unincorporated area.	May <u>reduce</u> or waive fine for first offense if violator shows economic disadvantage. If fine is reduced or waived, court <b>must</b> refer violator to education program that includes inspection of car seat and provides proof of attendance. Court <b>may</b> require attendance even if full fine is paid. Three city health departments included.	No change.	No change.

<b>Applies to</b>	<b>Requirements in 2000</b>	<b>Changes in 2001</b>	<b>Changes in 2002</b>	<b>Changes in 2004</b>
<i>Clinics, alternative birth centers, health facilities</i>	Must have a written policy to provide parents of patients with education, including the law, a list of local car seat distribution programs, and information about risks to unrestrained children (see also Sections 1204.3, 1212, and 1268 of the California Health and Safety Code).	No change.	Revise policy to include children under age 6 or 60 lbs.	Revise policy to include rear seat placement of children under age 6 or 60 lbs.
<i>Day care centers</i>	Must post a specified sign (per Section 1596.95 of the California Health and Safety Code).	No change.	Revise signs to include children 5 years of age or less or weigh less than 60 lbs.	Revise signs to include rear seat placement of children 5 years of age or less or weigh less than 60 lbs.
<i>Auto insurers</i>	Must cover replacement of child restraints in use by child during a crash.	No change.	No change.	No change in California law, however, NHTSA has revised their policy on seat replacement after a crash. See <a href="http://www.nhtsa.gov">www.nhtsa.gov</a> for details.
<i>Retailers and distributors</i>	May not sell child restraints or accessories for vehicle belts that do not conform to federal safety standards.	No change.	No change.	No change.
<i>Car rental agencies</i>	Must provide safety seats for rent by customers on request. The seats must be in good, safe condition, with no missing parts, and less than five years old. Specified sign must be posted.	No change.	Revise signs to include children under age 6 or 60 lbs.	Revise signs to include rear seat placement of children under age 6 or 60 lbs.

## Appendix 2 UNDERSTANDING AND USING VIOLATION DATA

This information is also available on the CDPH/VOSP website at [cdph.ca.gov/programs/Pages/CPSinCalifornia-VOSP.aspx](http://cdph.ca.gov/programs/Pages/CPSinCalifornia-VOSP.aspx)

### CHP Citation Data

Citations are issued by either local law enforcement such as the police or sheriff, or state law enforcement, the California Highway Patrol. The data provided here is only from the CHP and does not include all citations issued in your area. To get a more complete picture of all citations given in your area, you will need to work with local law enforcement agencies. You may or may not choose to do this. The intention in providing you CHP data is to give you some indication of the numbers of citations it takes to get some portion of CPS convictions, and thus the critical role that all law enforcement has in this collaboration.

The data provided here is listed by CHP Division. CHP Divisions do not match along county lines. Therefore you will need to determine which CHP Division areas fall within your county. These tables summarize the data by year, CHP Division and Area, and vehicle code.

### DMV Conviction Data

The conviction data is provided to VOSP by the California Department of Motor Vehicles (DMV). Data is summarized by year (from 2000 onward), vehicle code, and the outcome of the citation. A conviction is sent from the courts to DMV where it is recorded as a “conviction” or a “failure to appear”. For purposes of determining all convictions for your county, combining the categories of “conviction” and “failure to appear” is appropriate. However, for most counties the numbers in the “failure to appear category” are small, and do not make much of an impact in the totals.

- **Conviction** includes anyone who pays the fine, goes to traffic school, goes to a violator class, or other option provided by the court, as long as they are convicted (including contesting the citation and losing).
- **Failure to Appear** includes if someone contests a citation and asks to see a judge, but does not show up at the court. Once a person shows up in front of the court, a “failure to appear” turns into a conviction.

### Vehicle codes

- [15620 or 15620A](#) - a.k.a. Kaitlyn's Law (leaving children unattended in a car) - cites parent or driver
- [27360](#) (children ages 0-6 years, or up to 60 lbs.)
  - part A cites parent in the car
  - part B cites driver in absence of parent in the car
- [27360.5](#) (children over 60 lbs. or age 6, up to 16 years) - cites parent or driver

This adult seat belt data is provided to you for your reference only. Fines in this category do not go to the CPS program.

- [27315](#) (adult seat belt)
  - Part D cites the driver
  - Part E cites the passenger
  - Part F cites the operator of a vehicle without proper working safety belt systems including taxicab and limousine owner/operator

## **How to UNDERSTAND the VIOLATION DATA**

### **How to Use the Department of Motor Vehicles (DMV) Conviction Data to Inform your CPS Program**

DMV conviction data can help in identifying trends in CPS activity in your county. Review the data for total numbers of convictions (in each of the vehicle codes) to see if they have gone up or down, or remained constant. Compare across several years, and think about factors to attribute to any variations. Do you have a new judge who is knowledgeable about your CPS program and willing to convict violators? Is there a new component to the law which has changed the ticketing category (such as raising the age that increases the numbers of children covered like in 2002 when the age/weight went from 4 years & 40 lbs. to 6 years or 60 lbs.). Changes in the law usually mean that law enforcement will take a renewed interest in citing during the first year in particular to gain public compliance.

If you see a substantial drop in convictions, maybe a judge, who previously convicted CPS violators, is no longer covering traffic violations. The next steps for a local program could be to make an appointment with a new judge to educate him/her (and their court clerks) to the CPS cycle of enforcement and disposition. A good reminder for the courts (and law enforcement) is that the fine monies generated by their actions are reinvested in the community through your CPS outreach and educational programs.

Something else to remember is when your judge sees a violator in court, under the law they are suppose to record the incident as a conviction whether the judge chooses to fine the violator or not. You may have a judge who understands the cycle of enforcement and disposition, and may even be referring the violators to an education program, but then they may not be recording the incident as a conviction. This is equally important in the cycle of enforcement and disposition for data purposes.

### **How to Use Citation Data (state law enforcement data provided by the California Highway Patrol) to Inform your CPS Program**

Citation data is generated from both state and local law enforcement agencies. Local law enforcement citations make up a significant portion of the total citations in your area. If you chose to collect local law enforcement data you can get a more complete picture of your CPS citations.

If you chose to use only the CHP citation data, this will give you some understanding of CPS citations in your area. To use the CHP citation data identify the CHP Division in which your county matches. You will need to identify for yourself which CHP identified area(s) falls

within your county. As you already know, CHP Divisions statewide does not match with county lines.

Use the CHP citation data to compare it with the DMV conviction data, and look at trends in total numbers of citations and convictions. There will likely be some variation year to year. Notice if you've have more CHP citations or DMV convictions, and think back to what has happened in those years that might have attributed to the variance in total numbers. Also, you may choose to compare your violation data with a neighboring county or another county (which might match your total population for example), to see the similarities or differences.

## **The Relationship of Conviction Data and Fine Monies (which go to Local CPS Programs)**

Understanding citation and conviction data is not easy. To add to the confusion is the next step, knowing the accrued fine monies as a result of the convictions. Local health department CPS Programs will want to track, with the assistance of your fiscal administrators, what amount of fine monies are being accrued (and correctly deposited into your CPS account) from the court convictions of VC 27360, 27360.5 and 15620. Prediction of the amount of funds you should receive with what you actually receive is impossible. There will never be a direct correlation between numbers of convictions to funds accrued. Remember the judge has the discretion to waive or reduce the \$100 base fine (which with added court fees is a minimum of \$350 to the violator). However, you do want to compare the total amount of funds you are accruing yearly so that you can be assured that the procedures to transfer the fine money from the courts to the CPS Program are functioning properly.

Now compare the total yearly funds accrued with the total number of convictions to see if there is a big change in either category that doesn't somewhat correlate in the other category. You want to be able to identify if the courts are waiving or reducing the fines differently from year to year, by comparing the amount of the funds with the number of convictions across time. If there is an unusual discrepancy you may want to request a meeting with your court judge to learn more about what is happening.

## **What Does all this Information Do? Or, I'm Still Confused – Help!**

VOSP intends by providing you with these data that you have a better picture of each of the components of your CPS program. By comparing and contrasting citation and conviction data with that of the amount of funds you accrue, across multiple years, you will better be able to evaluate the gaps and strengths of your program. This information will help direct your energy and time in conducting outreach to enrich or maintain the collaborations with law enforcement, the courts or your own fiscal administrators to ensure the maximum potential of your CPS program.

If you are more confused or even just overwhelmed help is close by. Please feel free to contact Kate Bernacki at if you want to go over your violation data, discuss problem areas, or want some direction on how to outreach with CPS collaborators.

## Appendix 3

### CPS RELATED VEHICLE CODES

#### Child Passenger Restraints: Requirements

**27360.** (a) A parent or legal guardian, when present in a motor vehicle, as defined in Section 27315, may not permit his or her child or ward to be transported upon a highway in the motor vehicle without properly securing the child or ward in a rear seat in a child passenger restraint system meeting applicable federal motor vehicle safety standards, unless the child or ward is one of the following:

(1) Six years of age or older.

(2) Sixty pounds or more.

(b) (1) A driver may not transport on a highway a child in a motor vehicle, as defined in Section 27315, without properly securing the child in a rear seat in a child passenger restraint system meeting applicable federal motor vehicle safety standards, unless the child is one of the following:

(A) Six years of age or older.

(B) Sixty pounds or more.

(2) This subdivision does not apply to a driver if the parent or legal guardian of the child is also present in the vehicle and is not the driver.

(c) (1) For purposes of subdivisions (a) and (b), and except as provided in paragraph (2), a child or ward under the age of six years who weighs less than 60 pounds may ride in the front seat of a motor vehicle, if properly secured in a child passenger restraint system that meets applicable federal motor vehicle safety standards, under any of the following circumstances:

(A) There is no rear seat.

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

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

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

(E) All rear seats are already occupied by children under the age of 12 years.

(F) 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.

(2) A child or ward may not ride in the front seat of a motor vehicle with an active passenger airbag if the child or ward is one of the following:

(A) Under one year of age.

(B) Less than 20 pounds.

(C) Riding in a rear-facing child passenger restraint system.

(d) (1) (A) A first offense under this section is punishable by a fine of one hundred dollars (\$100), except that the court may reduce or waive the fine if the defendant establishes to the satisfaction of the court that he or she is economically disadvantaged, and the court, instead, refers the defendant to a community education program

that includes, but is not limited to, education on the proper installation and use of a child passenger restraint system for children of all ages, and provides certification to the court of completion of that program. Upon completion of the program, the defendant shall provide proof of participation in the program. If an education program on the proper installation and use of a child passenger restraint system is not available within 50 miles of the residence of the defendant, the requirement to participate in that program shall be waived. If the fine is paid, waived, or reduced, the court shall report the conviction to the department pursuant to Section 1803.

The court may require a defendant described under this section to attend an education program that includes demonstration of proper installation and use of a child passenger restraint system and provides certification to the court that the defendant has presented for inspection a child passenger restraint system that meets applicable federal safety standards.

(2) A second or subsequent offense under this section is punishable by a fine of two hundred fifty dollars (\$250), no part of which may be waived by the court, except that the court may reduce or waive the fine if the defendant establishes to the satisfaction of the court that he or she is economically disadvantaged, and the court, instead refers the defendant to a community education program that includes, but is not limited to, education on the proper installation and use of child passenger restraint systems for children of all ages, and provides certification to the court of completion of that program. Upon completion of the program, the defendant shall provide proof of participation in the program. If an education program on the proper installation and use of a child passenger restraint system is not available within 50 miles of the residence of the defendant, the requirement to participate in that program shall be waived. If the fine is paid, waived, or reduced, the court shall report the conviction to the department pursuant to Section 1803.

The court may require a defendant described under this section to attend an education program that includes demonstration of proper installation and use of a child passenger restraint system and provides certification to the court that the defendant has presented for inspection a child passenger restraint system that meets applicable federal safety standards.

(e) Notwithstanding any other provision of law, the fines collected for a violation of this section shall be allocated as follows:

(1) Sixty percent to health departments of local jurisdictions where the violation occurred, to be used for a community education program that includes, but is not limited to, demonstration of the installation of a child passenger restraint system for children of all ages and also assists an economically disadvantaged family in obtaining a restraint system through a low-cost purchase or loan. The county or city health department shall designate a coordinator to facilitate the creation of a special account and to develop a relationship with the court system to facilitate the transfer of funds to the program. The county or city may contract for the implementation of the program. Prior to obtaining possession of a child passenger restraint system pursuant to this section, a person shall attend an education program that includes demonstration of proper installation and use of a child passenger restraint system.

As the proceeds from fines become available, county or city health departments shall prepare and maintain a listing of all child passenger restraint low-cost purchase or loaner programs in their counties, including a semiannual verification that all programs listed are in existence. Each county or city shall forward the listing to the Office of Traffic Safety in the Business, Transportation and Housing Agency and the courts, birthing centers, community child health and disability prevention programs, county clinics, prenatal clinics, women, infants, and children programs, and county hospitals in that county, who shall make the listing available to the public. The Office of Traffic Safety shall maintain a listing of all of the programs in the state.

(2) Twenty-five percent to the county or city for the administration of the program.

(3) Fifteen percent to the city, to be deposited in its general fund except that, if the violation occurred in an unincorporated area, this amount shall be allocated to the county for purposes of paragraph (1).

Added Sec. 2, Ch. 524, Stats. 2003. Effective January 1, 2004. Operative January 1, 2005.

Amended Sec. 2, Ch. 420, Stats. 2004. Effective January 1, 2005.

## **Child Passenger Restraint System: Safety Belts: Requirements: Fines**

**27360.5.** (a) No parent or legal guardian, when present in a motor vehicle, as defined in Section 27315, may permit his or her child or ward who is six years of age or older, but less than 16 years of age, or who is less than six years of age and weighs 60 pounds or more to be transported upon a highway in the motor vehicle without properly securing the child or ward in an appropriate child passenger restraint system or safety belt meeting applicable federal motor vehicle safety standards.

(b) No driver may transport on a highway any child who is six years of age or older, but less than 16 years of age, or who is less than six years of age and weighs 60 pounds or more in a motor vehicle, as defined in Section 27315, without properly securing the child in a child passenger restraint system or safety belt meeting applicable federal motor vehicle safety standards. This subdivision does not apply to a driver if the parent or legal guardian of the child is also present in the vehicle and is not the driver.

(c) (1) A first offense under this section is punishable by a fine of one hundred dollars (\$100), except that the court may reduce or waive the fine if the defendant establishes to the satisfaction of the court that he or she is economically disadvantaged, and the court, instead, refers the defendant to a child restraint education program that includes, but is not limited to, demonstration of the proper installation and use of child passenger restraint systems for children of all ages, and provides economically disadvantaged families with a child passenger restraint low-cost purchase or loaner program. Upon completion of the program, the defendant shall provide proof of participation in the program that includes an inspection of a child passenger restraint system that meets applicable federal safety standards. If an education program on the proper installation and use of a child passenger restraint system is not available within 50 miles of the residence of the defendant, the requirement to participate in that program shall be waived. If the fine is paid, waived, or reduced, the court shall report the conviction to the department pursuant to Section 1803.

The court may, at its discretion, require any defendant described under this section to attend an education program that includes demonstration of proper installation and use of child passenger restraint systems and provides certification to the court that the defendant has presented for inspection a child passenger restraint system that meets applicable federal safety standards.

(2) A second or subsequent offense under this section is punishable by a fine of two hundred fifty dollars (\$250), no part of which may be waived by the court, except that the court may reduce or waive the fine if the defendant establishes to the satisfaction of the court that he or she is economically disadvantaged, and the court, instead refers the defendant to a community education program that includes, but is not limited to, education on the proper installation and use of child passenger restraint systems for children of all ages, and provides certification to the court of completion of that program. Upon completion of the program, the defendant shall provide proof of participation in the program. If an education program on the proper installation and use of a child passenger restraint system is not available within 50 miles of the residence of the defendant, the requirement to participate in that program shall be waived. If the fine is paid, waived, or reduced, the court shall report the conviction to the department pursuant to Section 1803.

The court may at its discretion, require any defendant described under this section to attend an education program that includes demonstration of proper installation and use of child passenger restraint systems and provides certification to the court that the defendant has presented for inspection a child passenger restraint system that meets applicable federal safety standards.

(d) Notwithstanding any other provision of law, the fines collected for a violation of this section shall be allocated as follows:

(1) Sixty percent to county or city health departments where the violation occurred, to be used for an education program that includes, but is not limited to, the demonstration of proper installation and use of child passenger restraint systems for children of all ages and provides child restraints for loan or low-cost purchase.

(2) Twenty-five percent to the county or city for the administration of the program.

(3) Fifteen percent to the city, to be deposited in its general fund except that, if the violation occurred in an unincorporated area, this amount shall be allocated to the county for purposes of paragraph (1).

Added Sec. 6, Ch. 675, Stats. 2000. Effective January 1, 2002.

Repealed Sec. 3 and added Sec. 4 (Misnumbered Sec. 2 in bill), Ch. 84, Stats. 2001. Effective July 19, 2001. Operative January 1, 2002.

Amended Sec. 3, Ch. 420, Stats. 2004. Effective January 1, 2005.

### **Kaitlyn's Law, 15620: Prohibition Against Unattended Child in Vehicle**

**15620.** (a) A parent, legal guardian, or other person responsible for a child who is 6 years of age or younger may not leave that child inside a motor vehicle without being subject to the supervision of a person who is 12 years of age or older, under either of the following circumstances:

(1) Where there are conditions that present a significant risk to the child's health or safety.

(2) When the vehicle's engine is running or the vehicle's keys are in the ignition, or both.

(b) A violation of subdivision (a) is an infraction punishable by a fine of one hundred dollars (\$100), except that the court may reduce or waive the fine if the defendant establishes to the satisfaction of the court that he or she is economically disadvantaged and the court, instead, refers the defendant to a community education program that includes education on the dangers of leaving young children unattended in motor vehicles, and provides certification of completion of that program. Upon completion of that program, the defendant shall provide that certification to the court. The court may, at its discretion, require any defendant described in this section to attend an education program on the dangers of leaving young children unattended in motor vehicles.

(c) Nothing in this section shall preclude prosecution under both this section and Section 192 of the Penal Code, or Section 273a of that code, or any other provision of law.

(d) (1) Subdivision (b) and Section 40000.1 do not apply if an unattended child is injured or medical services are rendered on that child because of a violation described in subdivision (a).

(2) Nothing in this subdivision precludes prosecution under any other provision of law.

Added Sec. 2, Ch. 855, Stats. 2001. Effective January 1, 2002.

Amended Sec. 222, Ch. 664, Stats. 2002. Effective January 1, 2003.

## Appendix 4 RELEVANT CPS MOTOR VEHICLE, HEALTH AND SAFETY AND INSURANCE CODES

Also available on the DHS/VOSP website at:

<http://www.cdph.ca.gov/HealthInfo/injviosaf/Pages/CPSLawsandRegulations.aspx>

### Motor Vehicle Code

Section	Section Title
1560-03	Child : Unattended in Vehicle - <a href="#">General Provisions</a>
15620,30 & 32	Child : Unattended in Vehicle - <a href="#">Spanish Translation</a>
15620	Child : Unattended in Vehicle - <a href="#">Offenses</a>
15630-32	Child : Unattended in Vehicle - <a href="#">Educational Provisions</a>
<a href="#">27360</a>	<a href="#">Child Passenger Restraints: Requirements</a>
<a href="#">27360.5</a>	<a href="#">Child Passenger Restraint System: Safety Belts: Requirements: Fines</a>
<a href="#">27361</a>	<a href="#">Notice to Appear for Violation</a>
<a href="#">27362</a>	<a href="#">Child Passenger Seat Restraints: Compliance</a>
<a href="#">27362.1</a>	<a href="#">Child Passenger Restraint System: Prohibition Against Resale After Accident</a>
<a href="#">27363</a>	<a href="#">Exemption: Medical Conditions or Size</a>
<a href="#">27363.5</a>	<a href="#">Child Passenger Seat Restraints: Information Requirement</a>
<a href="#">27364</a>	<a href="#">Legislative Intent</a>
<a href="#">27365</a>	<a href="#">Car Rental Agencies: Child Restraint Systems: Notice</a>
<a href="#">27366</a>	<a href="#">Child Passenger Restraint Systems: Duties of Department</a>
<a href="#">27368</a>	<a href="#">Child Passenger Restraint System: Three-Wheeled Motor Vehicle</a>

### Health and Safety Code

Section	Section Title
1204.3	Birthing Centers: Written Policy re: CPS Dissemination
1212	Clinics: Written Policy re: CPS Dissemination
1268	Hospitals: Written Policy re: CPS Dissemination
1596.95	Day Care Centers: Posted CPS Signs

### Insurance Code

Section	Section Title
11580.011	Car Seat Replacement After Accident - Auto Insurance Companies

