UNOFFICIAL COPY

1		AN	ACT relating to child vehicle seats.
2	Be i	t enac	ted by the General Assembly of the Commonwealth of Kentucky:
3		→s	ection 1. KRS 189.125 is amended to read as follows:
4	(1)	Exce	ept as otherwise provided in this section, "motor vehicle" as used in this section
5		mea	ns every vehicle designed to carry fifteen (15) or fewer passengers and used for
6		the t	ransportation 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 p	erson shall not sell any new motor vehicle in this state nor shall any person
12		mak	e application for registering a new motor vehicle in this state unless the front or
13		forw	vard 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 u	sed 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

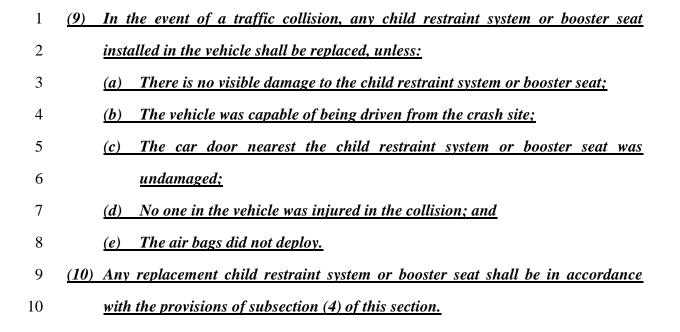
Page 1 of 3

17 RS BR 1536

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.	

Page 2 of 3

UNOFFICIAL COPY



Page 3 of 3