

CALIFORNIA HIGHWAY PATROL

GENERAL ORDER 100.40

REVISED JUNE 2019

**USE OF OCCUPANT RESTRAINTS IN VEHICLES
USED FOR STATE BUSINESS**

1. PURPOSE. The purpose of this General Order is to establish policy and procedure for the use of vehicle occupant restraint systems by all occupants of state vehicles, and of private vehicles being operated during the course of conducting state business.

2. POLICY. Departmental employees shall ensure all drivers and passengers are properly using vehicle occupant restraint systems when operating or riding in state-owned vehicles, or when using rented or private vehicles while conducting state business. Exemptions will be permitted only for unusual circumstances constituting an extreme emergency, such as emergency lifesaving transportation of a critically injured person whose injuries do not permit the use of safety belts.

3. PROCEDURES.

a. Departmental Employees. Notwithstanding Section 27315(g) of the California Vehicle Code (CVC), all employees shall use properly adjusted and securely fastened safety belts when operating or riding in any vehicle while conducting state business.

b. Passengers. The operator of any vehicle being used on state business shall ensure all passengers are properly secured by safety belts and/or child passenger restraint systems.

(1) When transporting prisoners, employees shall comply with the guidelines contained in Highway Patrol Manual 70.6, Officer Safety Manual, Chapter 24, Transportation of Prisoners.

(2) Children who are less than eight years of age shall be transported as follows:

(a) When transporting a child in a state vehicle other than an authorized emergency vehicle or when transporting a child in a rented or private vehicle while on state business, an approved child passenger restraint system shall be used. A child under eight years of age who is four feet

nine inches in height or taller may be properly restrained in the rear seat of a vehicle by a seat or safety belt. Effective January 1, 2017, children under two years of age shall be properly secured in a rear-facing child passenger restraint system unless the child weighs 40 or more pounds or is 40 or more inches tall.

(b) When transporting a child in an emergency situation or in an authorized emergency vehicle, the provisions of Section 27363(b) CVC shall be followed: "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."

(3) Children eight years of age, but less than 16 years of age, shall be secured with a safety belt at all times during transportation in departmental vehicles (Section 27360.5 CVC).

(4) Section 27363(e) CVC prohibits a child or ward under the age of eight to be secured in the front seat of a motor vehicle unless:

(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 seven years of age or younger.

(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.

(5) Additionally, a child may not ride in the front seat of a motor vehicle with an active passenger air bag if the child is riding in a rear-facing child passenger restraint system.

c. Vehicles With a Passenger-Side Air Bag. Air bags have been responsible for saving thousands of lives; however, there are situations when a deployed air bag can be hazardous and potentially deadly. The operator of any state vehicle, or private vehicle being operated during the course of conducting state business, that

is equipped with a passenger-side air bag, shall give consideration to the following when transporting persons.

- (1) The National Highway Traffic Safety Administration (NHTSA) recommends there be a minimum of ten inches between the chest of a person sitting in the front seat and the air bag cover to minimize the risk of serious injury. Additionally, NHTSA recommends the front seat be adjusted, if necessary, to maintain the ten-inch distance.
- (2) If the vehicle has a passenger-side air bag on-off switch, the vehicle operator shall only shut off the air bag pursuant to the provisions of the on-off switch installation approval letter issued by NHTSA.

OFFICE OF THE COMMISSIONER

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