



# Utah's Booster Seat Law

## Commonly Asked Questions

[www.utahsafetycouncil.org/assets/pdf/utboosterlaw.pdf](http://www.utahsafetycouncil.org/assets/pdf/utboosterlaw.pdf)

### Developed for Officers, Educators and Advocates

#### Q. What are the basic requirements of this law?

- A. Children under age 8 must be properly restrained in a child restraint or booster seat. There is an exception to the law that states that children younger than 8 are not required to be in a booster seat if they are at least 57 inches tall. At that point, they should use the lap and shoulder belt without a booster. This is a primary enforcement law for occupants under the age of 19. The penalty for breaking this law is \$45 and is enforceable beginning May 5, 2008.

#### Q. Who is responsible for the children in the car?

- A. The driver is legally responsible for obeying the law assuring all passengers are restrained and would get the ticket even if the child's parent is also in the car.

#### Q. Why do children need to ride in a belt-positioning booster (BPB) seat?

- A. After children exceed the limitations of their regular child restraint (usually around age 4), they are still too small for an adult seat belt and are not adequately protected by a seat belt alone. The booster seat positions them for the lap and shoulder belt to work correctly.

#### Q. What is a booster seat?

- A. A belt-positioning booster (BPB) seat is an inexpensive type of child restraint that adds artificial height to the child so the adult-sized lap and shoulder belt rests on the strongest parts of the child's body across the hips and chest.

#### Q. Are there different types of booster seats?

- A. There are two major types of BPB seats available. Base or backless booster seats do not have a high back and are used in vehicles where the seats offer head support. High-back booster seats have built-in head support and are used in vehicles that have low seat backs, as seen in some minivans, trucks, SUVs and station wagons. In addition, some booster models are multi-functional and have removable harness systems for younger children or a high back that can be removed.

#### Q. When can a child be put in a booster seat?

- A. It is legal to switch to a booster seat at any weight as long as the child is within the booster's weight and height range. But, it is not generally recommended to use booster seats until after the child outgrows the harness system found on conventional child restraints, which usually occurs at 40 pounds.

#### Q. What if a vehicle has lap-only seat belts in the rear seating positions?

- A. Booster seats **MUST** be used with a shoulder and lap belt, never with a lap belt only. If there are no seating positions with both lap AND shoulder belts available for using a booster seat, a child who has outgrown their regular child restraint may be restrained by a properly fitted lap belt. Children should remain secured in a traditional child restraint until they outgrow the internal harness system, which generally occurs at 40 pounds.

#### Q. What should officers do if they stop a vehicle that has only lap belts in the back seat?

- A. If an officer stops a vehicle with lap-only belts in the back seat and identifies older children (age 4-8) not restrained in a booster seat, he or she should not issue a citation to the driver. The officer should recommend that the child wear the lap belt low and tight across the hips. There are no booster seats available for use in vehicles that have only lap belts.

Child restraints with internal harness systems can be used in vehicles with only lap belts. Children should remain secured in these seats until they outgrow the harness, which usually occurs at 40 pounds or age 4.

#### Q. Are there any exemptions to this law?

- A. Yes, there are a few exemptions to this law:
- Children younger than age 8 who are at least 57 inches tall should ride in a properly adjusted seat belt and are exempt from the booster seat law. Children that weigh more than 40 pounds and are passengers in vehicles with rear seating positions that do not have lap and shoulder belts, should wear the lap belt low and snug on the hips.
  - Vehicles that are not required to have seat belts, such as buses and pre-1967 cars, are exempt.
  - If all seating positions are occupied by other passengers, unrestrained occupants are exempt from the law.
  - A motor vehicle in which the driver or passengers have a written verification from a licensed physician that the person is unable to wear a seat restraint for physical or medical reasons.

#### Q. If a child weighs more than 100 pounds and is younger than age 8, does he/she need ride in a booster seat?

- A. Yes, there are a few booster seats and special restraints available with upper weight limits above 100 pounds. These seats are not available at regular retail shops. Parents are advised to call Primary Children's Medical Center at 801-662-CARS (2277) for information about obtaining a special restraint. In addition, a useful handout, "Booster Seats and Products for Children Over 40 Pounds," is available on the website, [www.carseat.org](http://www.carseat.org).



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Q. Can people use the older shield-type booster?

A. No, parents must not use the style of booster with a padded bar or shield in front of the child because they do not meet Federal standards. These boosters are no longer available and should be discarded.

Q. When can a child ride in a seat belt?

A. According to the law, a child should be at least 8 years of age before riding in a regular seat belt. However, children younger than age 8 and at least

Q. What should a person do if they carpool?

A. Remember, the driver is legally responsible for obeying the law. Most importantly, the driver is responsible for making sure everyone in the vehicle arrives at their destination safely. The law was designed to protect Utah's children. Drivers must ensure that all passengers ages 7 and younger are properly restrained in a safety seat or booster, and children ages 8 and older are buckled up in a seat belt. Also, children should not share one belt system.

Q. Are organizations such as schools, churches, and child care centers covered under this law?

A. Yes, they must comply with this law. Any organization that transports children in vehicles required by Federal safety standards to have seat belts must comply with this law. Agencies involved in the transportation of young children might suggest that kids bring their own booster seats.

Q. Are children younger than age 8 required to ride in a booster seat if they are transported in large passenger vans or small school buses?

A. Yes. As required by Federal safety standards, all passenger vans and small buses (weighing less than 10,000 pounds GVWR) are equipped with seat belts and are not exempt from the law. Children younger than age 8 must be secured in a booster with a properly adjusted lap and shoulder belt. However, in seating positions with only lap belts children should secure the lap belt low and snug on their hips. Boosters must be used with both lap and shoulder belts, never with lap belts alone. For more information regarding pupil transportation, please contact the Utah State Office of Education's Pupil Transportation Division at (801) 538-7500.

Q. Do children have to ride in the back seat?

A. No, this is not a requirement of the law. However, it is recommended by vehicle manufacturers and safety advocates that children age 12 and younger are properly buckled in the rear seat.

Q. How much does a belt-positioning booster cost and where can I get one?

A. BPB seats are fairly inexpensive and vary in price from \$9 to \$40. They can be purchased in any store that carries traditional child safety seats. Also, there are several programs around the state that offer low-cost seats to low-income families. Check with your local health department for more information.

Q. I have no idea how to use a booster seat. Is there someplace I can get help?

A. Utah has Car Seat Inspection Stations, where certified technicians can teach parents how to use their booster and other child restraints appropriately. To locate a fitting station: Check with your local health department or Safe Kids Chapter ([www.utahsafekids.org](http://www.utahsafekids.org)).

Call 801-662-CARS, a service provided by Primary Children's Medical Center.

Visit the National Highway Traffic Safety Administration's website at [www.nhtsa.gov](http://www.nhtsa.gov).

For more information contact the  
Utah Department of Public Safety  
Highway Safety Office  
801-957-8570