

# HOUSE BILL REPORT

## HB 1012

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**As Reported by House Committee On:**  
Transportation

**Title:** An act relating to the use of child passenger restraint systems.

**Brief Description:** Concerning the use of child passenger restraint systems.

**Sponsors:** Representatives Bergquist, Barkis, Jinkins, Steele, Riccelli, Fey, Valdez, Fitzgibbon, Appleton, Robinson, Pollet and Stanford.

**Brief History:**

**Committee Activity:**

Transportation: 1/21/19, 1/23/19 [DPS].

**Brief Summary of Substitute Bill**

- Requires a child to be properly secured in a rear-facing child restraint system until the age of 2 or until the child reaches the seat manufacturer-set weight or height limits.
- Requires a child not secured in a rear-facing seat who is under the age of 4 to be properly secured in a forward-facing child restraint system until the child reaches the seat manufacturer-set weight or height limits.
- Requires a child not secured in a forward- or rear-facing child restraint system who is under 4 feet 9 inches tall to be properly secured in a child booster seat until the child reaches the seat manufacturer-set weight or height limits.
- Mandates that the Washington Traffic Safety Commission produce and distribute informational and educational material on child restraint systems.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 24 members: Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Boehnke, Chambers, Chapman, Doglio, Entenman, Eslick, Goehner, Gregerson, Irwin, Kloba, Lovick, Mead, Orcutt, Ortiz-Self, Paul, Pellicciotti, Ramos, Riccelli and Shewmake.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Minority Report:** Do not pass. Signed by 5 members: Representatives Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; McCaslin, Shea and Van Werven.

**Minority Report:** Without recommendation. Signed by 2 members: Representatives Dent and Dufault.

**Staff:** Jennifer Harris (786-7143).

### **Background:**

#### Proper Usage.

A child must be restrained in a child restraint system until the child is 8 years old or taller than 4 feet 9 inches, provided a passenger seating position equipped with a safety belt system allows sufficient space for installation. A child who is 8 years old or older or taller than 4 feet 9 inches must be properly restrained using a motor vehicle's safety belt or an appropriately fitting child restraint system. A child who is under 13 years old must be transported in the back seat of the vehicle where it is practical to do so.

The child restraint system used must comply with federal law, which mandates manufacturers meet specific performance standards while carrying a child up to specified weight and height maximums for rear-facing car seats, forward-facing car seats, and booster seats. Child restraint system manufacturers set maximum child weights and heights for usage in compliance with federal performance standard requirements for each product. Federal law does not set manufacturer performance standards in terms of age restrictions.

Child restraint system laws apply when a child is being transported in a motor vehicle that is required to be equipped with a safety belt system in a passenger seating position and when a child is being transported in a neighborhood electric vehicle or medium-speed electric vehicle, with several exceptions. These laws do not apply to any seating position where there is only a lap belt available and the child weighs more than 40 pounds. These laws also do not apply to: (1) for-hire vehicles; (2) vehicles operated by auto transportation companies that are designed to transport 16 or fewer passengers, including the driver; (3) vehicles providing customer shuttle service between parking, convention, hotel facilities, and airport terminals; and (4) school buses.

#### Enforcement.

Enforcement may be carried out by law enforcement personnel, who are authorized to visually inspect the usage of a child restraint system to determine whether its use is appropriate for the child's individual height, weight, and age based on guidance provided by the vehicle and child restraint system manufacturers.

Individuals who violate child restraint system laws may be issued a notice of traffic infraction. The fine for this traffic infraction is \$136. If an individual has not previously had a violation of child restraint system laws dismissed, he or she may present proof of acquisition of an approved child restraint system or child booster seat, whichever is

appropriate under the circumstances, within seven days to the jurisdiction that issued the notice.

Failure to comply with child restraint system laws does not constitute negligence by a parent or legal guardian and is inadmissible as evidence of negligence in a civil action.

#### Safety Technician Immunity.

A person who has a current national certification as a child passenger safety technician and who provides inspection, adjustment, or educational services for the use of child restraint systems in good faith is not liable for civil damages resulting from any act or omission in providing these services other than acts or omissions that constitute gross negligence or willful or wanton misconduct.

This immunity from civil damages does not apply to a certified child passenger safety technician who is employed by a retailer of child passenger restraint systems and who provides inspection, adjustment, or educational services for child passenger restraint systems during his or her hours of employment while being compensated for providing these services.

#### Washington Traffic Safety Commission.

The Washington Traffic Safety Commission (WTSC) oversees efforts to improve safety on Washington's public highways. The WTSC is the federally recognized highway safety office in Washington. It collects fatal and serious-injury crash data, engages in research, and oversees highway safety pilot projects.

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### **Summary of Substitute Bill:**

#### Proper Usage.

A child must be properly secured in a rear-facing child restraint system until the child is 2 years old or reaches the weight or height limit of the child restraint system set by the manufacturer. A child may continue to be properly secured in a rear-facing child restraint system until the child reaches the weight or height limits set by the manufacturer, as recommended by the American Academy of Pediatrics.

If a child under the age of 4 years is not secured in a rear-facing child restraint system, the child must be properly secured in a forward-facing child restraint system with a harness until the child is 4 years old or reaches the weight or height limits of the child restraint system set by the manufacturer. A child may continue to be properly secured in a forward-facing child restraint system with a harness until the child reaches the weight or height limits set by the manufacturer, as recommended by the American Academy of Pediatrics.

If a child under 4 feet 9 inches tall is not secured in a forward- or rear-facing child restraint system, the child must be properly secured in a child booster seat. The child booster seat must be used in accordance with vehicle and booster seat manufacturer instructions to

position a child to sit properly in a federally approved safety seat belt system. A child may be properly secured in a child booster seat until the vehicle lap and shoulder seat belts fit properly, generally when the child is between the ages of 8 and 12 years old, as recommended by the American Academy of Pediatrics (AAP).

A child booster seat is not required for any seating position where there is only a lap belt available.

A backless child restraint system and a belt-positioning system are considered child booster seats when they meet federal motor vehicle safety standards.

#### Child Restraint System Instruction.

The WTSC is required to produce and distribute informational and educational materials that explain the proper use of child restraint systems, the safety risks of not properly using the child restraint systems, where assistance of proper installation and use can be obtained, and the penalties for not properly using child restraint systems.

#### **Substitute Bill Compared to Original Bill:**

The substitute bill modifies the exception to following child restraint system requirements in seating positions where only a lap belt is available and the child is over 40 pounds by making it applicable to child booster seat requirements only and eliminating the minimum weight threshold.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect on January 1, 2020.

#### **Staff Summary of Public Testimony:**

(In support) This bill is about child safety. A new parent does not typically know when a rear-facing car seat, a forward-facing car seat, or a booster seat is needed. This bill makes it very simple to understand: rear-facing until a child is 2 years old; forward-facing until a child is 4 years old; and a booster seat until a child is 4 feet 9 inches tall.

Current law is not sufficient to help ensure child safety. It is important for a child to be kept in the safest position for the longest amount of time possible. When children are moved from a rear-facing to a forward-facing car seat too early, their heads are not properly supported in the event of a crash, and this can result in serious injuries. Dr. Beth Ebel, an emergency room physician, has come in the past to testify on her support of this bill, but was called away at the last minute and could not testify today. In the past, she has testified about the serious internal injuries that can result when a child is moved too early.

This bill aligns state law with AAP and National Highway Traffic Safety Administration (NHTSA) standards. The AAP offers the best guidance on the use of car seats, and this bill follows it. The NHTSA supported this bill last year.

(Opposed) None.

**Persons Testifying:** Representative Bergquist, prime sponsor; and Shelly Baldwin, Washington Traffic Safety Commission.

**Persons Signed In To Testify But Not Testifying:** None.