

HOUSE BILL REPORT

EHB 1188

As Passed House:
February 20, 2017

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, Harmsworth, Fey, Hayes, Jinkins and Hudgins.

Brief History:

Committee Activity:

Transportation: 1/26/17, 2/8/17 [DP].

Floor Activity:

Passed House: 2/20/17, 69-28.

Brief Summary of Engrossed Bill

- Requires a child to be properly secured in a rear-facing child restraint system until the age of 2 or until he or she reaches the seat manufacturer-set weight and 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 he or she 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 the age of 10 to be properly secured in a child booster seat until he or she 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.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 17 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Wylie, Vice Chair; Harmsworth, Assistant Ranking Minority Member; Chapman, Gregerson, Hayes, Irwin, Lovick, McBride, Morris, Ortiz-Self, Pellicciotti, Riccelli, Rodne and Tarleton.

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 Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Shea, Van Werven and Young.

Minority Report: Without recommendation. Signed by 2 members: Representatives Pike and Stambaugh.

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, and 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 overseas highway safety pilot projects.

Summary of Engrossed 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 2 years of age or older may continue to be properly secured in a rear-facing child restraint system until the child reaches the weight or height limits as set by the manufacturer.

If a child under the age of 4 years is not secured in a rear-facing child restraint system, he or she must be properly secured in a forward-facing child restraint system with a harness until the child reaches the weight or height limit of the child restraint system set by the manufacturer. A child 4 years of age or older 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 as set by the manufacturer.

If a child under the age of 10 years or under 4 feet 9 inches tall is not secured in a forward- or rear-facing child restraint system, he or she must be properly secured in a child booster seat until the child reaches the weight or height limit of the booster seat as set by the manufacturer. The child booster seat must be used in accordance with vehicle and booster

seat manufacturer instructions to elevate a child to sit properly in a federally approved safety seat belt system.

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.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on January 1, 2018.

Staff Summary of Public Testimony:

(In support) The purpose of this bill is to keep kids safely restrained in the car. Parents are moving their children out of their rear- or front-facing car seats too early to the detriment of their children's safety. The law references the weight or height of a child, but it is difficult to know the weight and height of one's children. For the lay parent, the age recommendations are where we want to be moving in conjunction with the federal guidelines. The American Academy of Pediatrics (AAP) has age guidelines, while the National Highway Safety Traffic Administration (NHTSA) standards are height and weight based. This bill combines age, height, and weight to clarify things. The law includes guidance that children should be in a rear-facing seat until the age of 2, a forward-facing seat until the age of 4, and a booster seat until the age of 10.

There is new research, which accounts for the difference between NHTSA guidance and the AAP recommendation, which was updated in 2011. These recommendations have been out for more than six years. Car crashes are a leading cause of child death and disability. Most of these injuries and deaths are completely preventable, but it is difficult to treat head injuries. Parents think that they are properly securing their children when they are not, and they bring these children into the hospital with injuries. In Washington, 138 kids and teens were killed in car collisions between 2013 and 2015. For every fatal injury, there are 18 hospitalized children and 400 who get other medical treatment. This amounts to about 55,000 injured children between 2013 and 2015.

Most infants are secured in rear-facing seats until the age of 1, but one out of five infants is not properly secured in the car, and these are the infants who wind up in the hospital. New research from Scandinavian countries, where children are kept rear-facing until they are 4 years old, and from the United States (U.S.) compared rear-facing and forward-facing car seats and found a significant reduction in risk of injury with rear-facing seats.

Adults' and infants' anatomies are very different. Infants have a large head on a small body, and this puts them at risk of head injury and high cervical injuries, which are injuries that are not sustainable with life. In the U.S., keeping kids rear facing longer was found to be 75 percent better protection from serious and fatal injury in a collision. This is true for the most serious crashes, frontal collisions, where the force of the crash needs to be spread out over

the whole body of the child. Because of the significant safety benefits, the AAP recommends that children remain rear facing until the age of 2. Car seat manufacturers have responded by making rear-facing car seats that fit older infants.

The car has amazing safety features, but the passenger needs to be where the car thinks he or she is to benefit from that protection. A car seat keeps a child where he or she should be—otherwise the child is more likely to be ejected or injured in the event of a crash. The car seat creates a safety capsule for children, which enables other vehicle and roadway safety features to help keep the child safe.

Parents view what the law says as what the best practice is in this area. Washington was the first state in the country to pass a booster seat law. Most children do not fit in an adult seat belt until they reach the height of 4 feet 9 inches. This is taller than people realize. Some children may not reach that height until they are 10 or 12 years old. Seat belt syndrome, a combination of injuries, results from a seat belt that does not fit a child because the car was not designed for that child. As part of this syndrome, it is common to see spinal fractures because children are flexing over the lap belt, intestines that have popped like a balloon because the seat belt is driven back to the spine, and serious head and back injuries as children flex over or are ejected from their seat. These injuries occur at speeds as low as 30 miles per hour. It is routine to see 10-, 11-, and 12-year-old children with a constellation of preventable injuries.

Some safety booster seats are not expensive and they are all safe. When families are surveyed, including lower-income and Spanish-speaking families, they routinely say that these car seats are affordable for someone driving a car. Newer car seats can be used for children for a longer period of time. There are programs available to make car seats affordable, and costs are not prohibitive for families compared to the overall costs of driving a vehicle.

The state has been at the forefront of providing safety for kids. Over the past 10 years, the U.S. has seen a reduction in pediatric injuries of 30 percent. During this time, pediatric injuries have been reduced by 60 percent in Washington as a result of the primary seat belt enforcement law, the booster seat law, good enforcement, and education. All the measures taken in the state have contributed to more kids being able to go home to their families.

(Opposed) None.

Persons Testifying: Representative Bergquist, prime sponsor; and Beth Ebel, American Academy of Pediatrics.

Persons Signed In To Testify But Not Testifying: None.