

SENATE BILL REPORT

EHB 1188

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

Committee Activity: Transportation: 3/20/17.

Brief Summary of Bill

- Modifies the age and height requirements for child passenger restraint system use.
- Requires the Washington Traffic Safety Commission (WTSC) to produce and distribute informational and educational materials that explain the proper use of child restraint systems.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Kim Johnson (786-7472)

Background: 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.

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.

Child restraint system manufacturers set maximum child weight and height limits for usage in compliance with federal performance standard requirements. Federal law does not set manufacturer performance standards in terms of age restrictions.

Failure to wear a safety belt or use a child restraint system is a primary offense in Washington. The fine for this traffic infraction is \$136. If an individual has not previously had a violation of child restraint system laws dismissed, the individual 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, and the jurisdiction must dismiss the infraction. There are a limited number of exceptions provided and include shuttle service vehicles, school buses, and seating positions where there is only a lap belt available and the child weights over 40 pounds.

The WTSC oversees efforts to improve safety on Washington's public highways. The WTSC is the federally recognized highway safety office in Washington.

Summary of Bill: The age, height, and child passenger restraint system requirements are modified as follows:

- up to age 2, a child must use a rear-facing car seat, until the child reaches the manufacturer's height and weight limits for the seat being used;
- between age 2 and 4, a child may use a rear facing car seat, until the child reaches the manufacturer's height and weight limits for the seat being used;
- up to age 4, a child must use a forward-facing car seat with harness, until child reaches the manufacturer's height and weight limits for the seat being used;
- after age 4, a child may use a forward facing car seat with harness, until child reaches the manufacturer's height and weight limits for the seat being used;
- between the age of 4 and 10, or until a child reaches the height of 4 feet 9 inches, a child must use a booster seat, until the child reaches the manufacturer's height and weight limits for the seat being used; and
- age 10 or older may be properly secured in a booster seat until the child reaches the manufacturer's height and weight limits for the seat, or must be properly secured with the motor vehicle's safety belt.

The child restraint system used must comply with federal standards and must be secured in the vehicle in accordance with instructions of both the vehicle manufacturer and the child restraint system manufacturer.

The definition of child restraint system is amended to include a child booster seat.

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.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: 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. Age references are clearer to parents as parents know for sure how old their child is. 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.

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 American Academy of Pediatrics recommends that children remain rear facing until the age of 2.

Parents believe that the Legislature will enact laws to keep them safe. So if you adopt these changes, most parents will see that as recognition that this is the best way to keep my kid safe. Most children do not fit in an adult seat belt until they reach 4 feet 9 inches tall. Booster seats are not expensive. Over the past decade, Washington has seen a reduction of injuries to children by 60 percent, largely due to the primary seat belt law, booster seat law, and good enforcement.

Persons Testifying: PRO: Representative Steve Bergquist, Prime Sponsor; Dr. Beth Ebel, WA Chapter American Academy of Pediatrics; Harborview Injury Prevention Center.

Persons Signed In To Testify But Not Testifying: No one.