

# SENATE BILL REPORT

## SHB 1012

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As Passed Senate, April 12, 2019

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

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

**Sponsors:** House Committee on Transportation (originally sponsored by Representatives Bergquist, Barkis, Jinkins, Steele, Riccelli, Fey, Valdez, Fitzgibbon, Appleton, Robinson, Pollet and Stanford).

**Brief History:** Passed House: 2/07/19, 71-25.

**Committee Activity:** Transportation: 3/25/19, 3/26/19 [DP, w/oRec].

**Floor Activity:**

Passed Senate: 4/12/19, 31-12.

### Brief Summary of Bill

- Requires a child to be properly secured in a rear-facing child restraint system until the age of two 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 four 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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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Das, Lovelett, Nguyen, O'Ban, Randall, Takko, Wilson, C. and Zeiger.

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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:** That it be referred without recommendation.

Signed by Senator Padden.

**Staff:** Kim Johnson (786-7472)

**Background:** A child less than sixteen years of age being transported in a motor vehicle must be properly restrained. A child must be restrained in a child restraint system until the child is eight 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 at least eight years old, 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 thirteen 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 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 weighs over 40 pounds.

**Summary of Bill:** Rear-facing Child Restraint. 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 (AAP).

Forward-facing Child Restraint. If a child under the age of four years is not secured in a rear-facing child restraint system, they must be properly secured in a forward-facing child restraint system with a harness until four years old or until reaching 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 AAP.

Child Booster Seat. 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 eight and twelve years old, as recommended by the 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.

Educational Materials. The Washington Traffic Safety Commission 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, 2020.

**Staff Summary of Public Testimony:** PRO: We know parents are moving their kids to the larger seat too quickly. If your child is not properly secured and in a crash the injuries they may suffer are catastrophic. We can avoid these catastrophic injuries by giving parents clearer information on what seat they should have their child in.

I work at the Harborview ER. I was on service last weekend and treated a nine-year old and eleven-year old that were both injured in car accidents. They were buckled up in a seat belt, but not booster seats. The nine-year-old child's abdomen was crushed and their spine shredded. He is now paralyzed. I am sure his parents thought they were doing the right thing. He was buckled in. These booster seats help these little kids by making sure that the seat belt works properly on their little bodies. This bill is important. I can not tell you how many times I have heard from parents "if booster seats and car seats were safer it would be in a law." They trust you. Data coming out of Scandinavian countries that have booster seat laws, show that the booster seat gives you a 25 to 30 percent better performance over only seatbelts. It is in our public interest to protect kids and let our families know what matters. Let us bring our law into compliance with the best safety information.

Clarity around the ages will do what is right for our kids. Restraint systems keep kids safe.

**Persons Testifying:** PRO: Representative Steve Bergquist, Prime Sponsor; Morgan Hickel, UW Medicine Health System; Beth Ebel, Washington Chapter, American Academy of Pediatrics; Shelly Baldwin, Traffic Safety Commission.

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