

Senator Hollis French


Capitol Room 417
465-3892
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MEMORANDUM

Date: 2/4/2009

To: Senator Albert Kookesh, Chair
Senate Transportation Committee

From: Senator Hollis French 

RE: Request for Hearing -- SB 72 Child Safety Seats and Seat Belts

This is a request that you schedule a hearing on SB 72 "Child Safety Seats and Seat Belts" at the earliest possible date.

I have attached a copy of the bill, a sponsor statement, and some supporting materials for your use. I appreciate your consideration.

Attachments

Alaska State Legislature



Senator Hollis French

Sponsor Statement

SB 72 - Child Safety Seats and Seat Belts

Booster seats save lives. Of the 61 children under the age of eight injured in auto accidents in Alaska between 2001 and 2005, only five were considered properly restrained by federal standards. Nearly two thirds of those 61 children were between the ages of four to eight, making the injured too large for a car seat but too small for an adult seat belt.

Current Alaska law requires the use of proper safety devices for children under the age of 16 as approved by the US Department of Transportation. The National Highway Traffic Safety Administration recommends that children under 80 pounds and under 57" use a child safety seat or a belt positioning booster seat. SB 72 puts USDOT National Highway Traffic Safety Administration (NHTSA) recommendations in statute, clarifying for law enforcement officials what devices are required for proper child restraint.

All safety devices, boosters and child seats must meet or exceed the standards set out by the United States Department of Transportation.

As of September 2008 43 other states mandate booster seat use. While any restraint is better than no restraint, national studies have shown booster seats to be sixty percent safer than seat belts alone when used by children of the correct height, weight and age. The rough cost of a booster seat ranges from \$25 to \$100, depending on the model. By passing this legislation, the state of Alaska will become eligible for close to \$200,000 in federal highway safety funds.

Please join me in promoting passenger safety by supporting this legislation.

SENATE BILL NO. 72

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY SENATOR FRENCH

Introduced: 1/21/09

Referred: Transportation, State Affairs

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to use of child safety seats and seat belts."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 28.05.095(b) is amended to read:

4 (b) Except as provided in (c) of this section, a driver may not transport a child
5 under the age of 16 in a motor vehicle unless the driver has provided the required
6 safety device and properly secured each child as described in this subsection. A [IF
7 THE] child

8 (1) less than one year of age or a child one year of age or older who
9 weighs less than 20 pounds shall be properly secured in a rear-facing child safety
10 seat that meets or exceeds [IS LESS THAN FOUR YEARS OF AGE, THE CHILD
11 SHALL BE PROPERLY SECURED IN A CHILD SAFETY DEVICE MEETING
12 THE] standards of the United States Department of Transportation and is used in
13 accordance with the manufacturer's instructions;

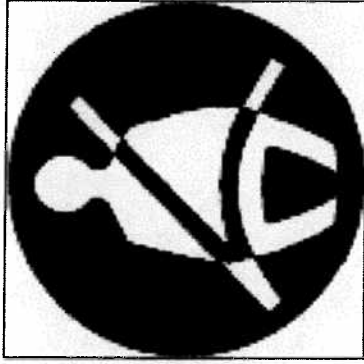
14 (2) one or more years of age but less than five years of age who
15 weighs over 20 pounds shall be properly secured in a child restraint device that

1 meets or exceeds the standards of the United States Department of
2 Transportation and is used in accordance with the manufacturer's instructions;

3 (3) over four years of age but less than eight years of age who is
4 less than 57 inches in height and weighs 20 or more pounds but less than 80
5 pounds shall be properly secured in a booster seat that is secured by a seat belt
6 system or by another child passenger restraint system that meets or exceeds the
7 standards of the United States Department of Transportation and is used in
8 accordance with the manufacturer's instructions;

9 (4) over four years of age who exceeds the height and weight
10 requirements in (3) of this subsection shall be properly secured in a seat belt;

11 (5) eight years of age [FOR A CHILD SAFETY DEVICE FOR
12 INFANTS. IF THE CHILD IS FOUR] but not yet 16 years of age who does not
13 exceed the height and weight requirements in (3) of this subsection [, THE
14 CHILD] shall be properly secured in a child safety device approved for a child of that
15 [AGE AND] size by the United States Department of Transportation or in a safety
16 belt, whichever is appropriate for the particular child.



1) A child under one year, or over one year but under 20 pounds shall be secured in a rear facing child safety seat

2) A child one to four years of age who is over 20 pounds shall be properly secured in a child restraint device.

3) A child over four years, but under eight years who is less than 57 inches and under 80 pounds shall be secured in a booster type seat or another child passenger restraint system secured by a belt system.

4) A child over four years of age who exceeds the height and weight requirements of 3) shall be secured in a seat belt.

5) A child between the ages of eight and sixteen who does not meet the height and weight requirements of 3) shall be secured in a child safety device or a seat belt, whichever is appropriate.



AS 28.05.098 - A person may not sell, offer for sale, or install a child safety device that does not meet federal standards

Report from the Alaska Trauma Registry on Motor Vehicle Injuries to Children

A query of the Alaska Trauma Registry data for the most recent years available, 2001-2005, identifies 61 children, from birth through eight years of age, seriously injured in a motor vehicle crash on the highway. The National Highway Traffic Safety Administration recommends that children be restrained in a child safety seat or belt positioning booster seat up through age eight.

All of these injuries required admission to the hospital, three died, and one two-year-old's injuries resulted in quadriplegia. **Only five of the 61 injured children were recorded to have been restrained properly in the recommended child safety seat at the time of injury** – and none of the four mentioned above was properly restrained. There was one additional injury, not included in the 55, which involved a fetus who was subsequently delivered by C-section.

A further breakdown of age groups and safety equipment use is as follows:

< 1 year:	7 injured	3 restrained in child safety seats; 4 unrestrained
1 year old:	4 injured	1 restrained in a child safety seat; 1 unrestrained ; 2 unrecorded
2 years old:	5 injured	2 in child safety seat (1 child seat failed-was ejected); 2 with safety belt/harness; 1 unrestrained
3 years old:	6 injured	1 lap belt only; 5 unrestrained
4-8 years old:	39 injured	15 with safety belt/harness; 9 lap belt only; 11 unrestrained; 4 unrecorded

Total: 61

Clearly the incidence of not using restraints is very high among the injured population in this study. However, also remarkable, is the incidence of improper restraint, especially among children ages 4 through 8. Without belt positioning booster seats, this group is not adequately protected during a motor vehicle crash.

Tariq Ali & Martha Moore
Alaska Trauma Registry, Dept. of Health & Social Services (HSS)
Section of Injury Prevention & EMS (IPEMS)
Division of Public Health

Child restraint laws

January 2008

Overview | Safety belt use laws | Children not covered by safety belt or child restraint laws

State	Who is covered?		
	Must be in child restraint	Adult safety belt permissible	Maximum fine 1st offense
Alabama	younger than 1 or less than 20 pounds in a rear-facing infant seat; 1 through 4 years or 20-40 pounds in a forward-facing child safety seat; 5 but not yet 6 in a booster seat.	6 through 14 years	\$25 ¹
	law states no preference for rear seat		
Alaska	3 years and younger	4 through 15 years	\$50 ¹
	law states no preference for rear seat		
Arizona	4 years and younger	not permissible	\$50
	law states no preference for rear seat		
Arkansas	5 years and younger and less than 60 pounds	6 through 14 years or 60+ pounds	\$100
	law states no preference for rear seat		
California	5 years and younger or less than 60 pounds ²	6 through 15 years or 60+ pounds	\$100 ¹
	children 5 years and younger or less than 60 pounds must be in the rear seat ²		
Colorado	younger than 1 year and less than 20 pounds in a rear-facing infant seat; 1 through 3 years and 20-40 pounds in a forward-facing child safety seat; 4 through 5 years and less than 55 inches in a booster seat ³	6 through 15 years or 55 inches or more	\$50
	law states no preference for rear seat		
Connecticut	younger than 1 year or less than 20 pounds in a rear-facing restraint system; 1 through 6 years who is less than 60 pounds in a child restraint system (booster seats may only be used in a seating position with a lap and shoulder belt)	7 through 15 years and 60+ pounds ⁴	\$60 ⁴
	law states no preference for rear seat		
Delaware	7 years and younger and less than 66 pounds ⁵	8 through 15 years or 66+ pounds ⁵	\$25
	law states no preference for rear seat		
District of Columbia	7 years and younger	8 through 15 years	\$75 ¹
	law states no preference for rear seat		
Florida	3 years and younger	4 through 5 years	\$60 ¹
	law states no preference for rear seat		

Georgia	5 years and younger and 57 inches or less ⁶	more than 57 inches	\$50 ¹
	5 years and younger must be in rear seat if available		
Hawaii	3 years and younger in a child safety seat; 4 years through 7 years must be in a booster seat or child restraint	4 through 7 years who are taller than 4'9"; 4 through 7 years who are at least 40 pounds seated in a rear seat where if there are no available lap/shoulder belts, may be restrained by a lap belt	\$100 ⁷
	law states no preference for rear seat		
Idaho	6 years and younger	not permissible	\$100
	law states no preference for rear seat		
Illinois	7 years and younger	8 through 15 years; children who weigh more than 40 pounds seated in the rear where only a lap belt is available	\$50
	law states no preference for rear seat		
Indiana	7 years and younger when driver holds an Indiana license ⁸	8 through 15 years	\$25 ¹
	law states no preference for rear seat		
Iowa	younger than 1 year and less than 20 pounds in a rear-facing child seat; 1 through 5 years	6 through 10 years	\$25
	law states no preference for rear seat		
Kansas	all children 3 and younger must be in a child restraint; children 4 through 7 who weigh less than 80 pounds and children 4 through 7 who are less than 57 inches tall must be in a child restraint or booster seat	all children 8 through 13 years; children 4 through 7 years who weigh more than 80 pounds, and children 4 through 7 years who are taller than 57 inches	\$60
	law states no preference for rear seat		
Kentucky	40 inches or less	not permissible	\$50
	law states no preference for rear seat		
Louisiana	younger than 1 year or less than 20 pounds in a child safety seat, 1 through 3 years or 20-39 pounds in a forward-facing child safety seat; 4 through 5 years or 40-60 pounds in a child booster seat	5 through 12 years or greater than 60 pounds	\$50
	law states no preference for rear seat		
Maine	less than 40 pounds in a child safety seat; 40-80 pounds and less than 8 years in a safety system that elevates the child so that an adult seat belt fits properly	8 through 17 years or less than 18 years and more than 4'9"	\$50
	11 years and younger and less than 100 pounds must be in rear seat if available		
Maryland	5 years and younger or 40 pounds or less ⁹	6 years and more than 40	\$25

		pounds through 15 years	
		law states no preference for rear seat	
Massachusetts	4 years and younger or 40 pounds and less	5 through 11 years	\$25
		law states no preference for rear seat	
Michigan	3 years and younger	not permissible	\$10
		law states no preference for rear seat	
Minnesota	3 years and younger	not permissible	\$50
		law states no preference for rear seat	
Mississippi	3 years and younger	not permissible	\$25
		law states no preference for rear seat	
Missouri	3 years and younger must be in a child restraint; all children who weigh less than 40 pounds must be in a CR; 4 through 7 years who weigh at least 40 pounds but less than 80 pounds and who are 4'9" or shorter must be in either a CR or booster seat; children 4 years	all children 8 through 16 years; all children 4 years and older who weigh 80 pounds or more or who are taller than 4'9"	\$50; \$10 for violations involving children taller than 4'9" or who weigh 80 pounds or more
		law states no preference for rear seat	
Montana	5 years and and younger and less than 60 pounds	not permissible	\$100
		law states no preference for rear seat	
Nebraska	5 years and younger	6 through 17 years ¹⁰	\$25 ¹
		law states no preference for rear seat	
Nevada	5 years and younger and 60 pounds or less	not permissible	\$500 ¹¹
		law states no preference for rear seat	
New Hampshire	5 years and younger who are less than 55 inches tall	6 through 17 years; younger than 6 who are at least 55 inches tall	\$25
		law states no preference for rear seat	
New Jersey	7 years and younger and less than 80 pounds	not permissible	\$25
		children 7 years and younger and less than 80 pounds must be in the rear seat if available	
New Mexico	younger than 1 year in a rear-facing infant seat; 1 through 4 years or less than 40 pounds in a child safety seat; 5 through 6 or less than 60 pounds in a booster seat	7 through 17 years	\$25
		children younger than 1 year in a rear-facing infant seat must be in the rear seat if available	
New York	3 years and younger in all seats; 6 years and younger in all seats	4 through 15 years; 7 through 15 years	\$100 ¹
		law states no preference for rear seat	
North Carolina	7 years and younger and less than 80 pounds ¹²	8 through 15 years + children 40-80 pounds in seats without shoulder belts	\$25 ¹

		law states no preference for rear seat	
North Dakota	6 years and younger and less than 57 inches or less than 80 pounds	7 through 17 years; 6 years and younger and at least 57 inches tall and at least 80 pounds; 6 years and younger and at least 40 pounds, if there are no available lap/shoulder belts, may be restrained by a lap belt	\$25 ¹
		law states no preference for rear seat	
Ohio	3 years and younger or less than 40 pounds	4 through 14 years ¹³	\$25 ¹
		law states no preference for rear seat	
Oklahoma	5 years and younger ¹⁴	6 through 12 years	\$25
		law states no preference for rear seat	
Oregon	younger than 1 year or 20 pounds or less must be in a rear facing child safety seat; 40 pounds or less must be in a child safety seat; more than 40 pounds but 4 feet and 9 inches or less must be in a safety system that elevates the child so that an adult seat belt fits properly	taller than 4 feet and 9 inches	\$90
		law states no preference for rear seat	
Pennsylvania	7 years and younger ¹⁵	not permissible	\$100
		law states no preference for rear seat	
Rhode Island	6 years and younger and less than 54 inches and less than 80 pounds	6 years and younger who either weigh 80 pounds or more or who are at least 54 inches tall; 7 through 17	\$75
		children 6 years and younger must be in rear seat if available	
South Carolina	younger than 1 year or less than 20 pounds in a rear-facing infant seat; 1 through 5 years and 20-39 pounds in a forward-facing child safety seat; 1 through 5 years and 40-80 pounds in a booster seat secured by lap-shoulder belt (lap belt alone is impermissible)	1 through 5 years and 80+ pounds or any child 5 years and younger if the child's knees bend over the seat edge when sitting up straight with his/her back firmly against the seat back	\$150
		children 5 years and younger must be in rear seat if available	
South Dakota	4 years and younger and less than 40 pounds	5 through 17 years; all children 40+ pounds, regardless of age	\$20
		law states no preference for rear seat	
Tennessee	younger than 1 year or 20 pounds or less in a rear-facing infant seat; 1 through 3 years and 20+ pounds in a forward-facing infant seat; 4 through 8 years and less than 4'9" in a booster seat	9 through 15 years or any child 12 or younger who is 4'9" or taller	\$50
		children 8 years and younger and less than 4'9" must be in rear seat if available; rear seat recommended for children 9 through 12	

Texas	4 years and younger and less than 36 inches	not permissible	\$200
	law states no preference for rear seat		
Utah	4 years and younger	5 through 15 years	\$45
	law states no preference for rear seat		
Vermont	younger than 1 year or less than 20 pounds in a rear-facing infant seat; 2 through 7 and more than 20 pounds	8 through 15 years and more than 20 pounds	\$25
	law states no preference for rear seat		
Virginia	7 years and younger unless they have a physician exemption	8-15 years ¹⁶	\$50
	children in rear-facing devices must be in a rear seat if available; if not available, they may be placed in front only if front passenger airbag is deactivated		
Washington	younger than 8 and less than 4'9"	8 through 15; younger than 8 and 4'9" or taller	\$86
	12 years and younger must be in rear seat if practical		
West Virginia	7 years and younger and less than 4'9"	7 years and younger and 4'9" or taller	\$20
	law states no preference for rear seat		
Wisconsin	children younger than 1 and all children who weigh less than 20 pounds are required to be in a rear-facing infant seat; children 1 through 3 years who weigh at least 20 pounds but less than 40 pounds are required to be in a forward-facing child safety seat; children 4 through 7 who both weigh at least 40 pounds but less than 80 pounds and who are less than 57 inches tall are required to be in a booster seat	8 years and younger and more than 80 pounds and 57 inches or taller	\$75
	children 3 and younger must be in a rear seat, if available		
Wyoming	8 years and younger	not permissible	\$50
	children 8 years and younger must be in the rear seat if available		

¹This state assesses points for violations

²In California, children weighing more than 40 pounds may be belted without a booster seat if they are seated in the rear seat of a vehicle not equipped with lap/shoulder belts. The California rear seat requirement does not apply if: there is no rear seat; the rear seats are side-facing jump seats; the rear seats are rear-facing seats; the child passenger restraint system cannot be installed properly in the rear seat; all rear seats are already occupied by children under 12 years, or medical reasons necessitate that the child not ride in the rear seat. A child may not ride in the front seat of a motor vehicle with an active passenger airbag if the child is under 1 year of age, or weighs less than 20 pounds or is riding in a rear-facing child restraint system

³In Colorado, if a child 4-5 years and less than 55 inches is being transported in a vehicle equipped with a lap belt only, then the child must be restrained with the lap belt. The law is secondary for children ages 4-5 years who must be in booster seats

⁴The fine in Connecticut is \$15 if the child is 4-16 years and 40 pounds or more. Connecticut also requires a mandatory child restraint education program for first or second violation.

⁵In Delaware, children younger than 12 years/65 inches or less must be restrained in a rear seat if a vehicle has a passenger airbag unless the airbag has been either deactivated or designed to accommodate smaller people. Exceptions: no rear seat or rear seat occupied by other children younger than 12 years/65 inches or less

⁶In Georgia, children weighing more than 40 pounds are permitted to be restrained in the back seat of a vehicle by a lap belt if the vehicle is not equipped with lap and shoulder belts or when the lap and shoulder belts are being used by other children who weigh more than 40 pounds.

⁷Hawaii drivers are charged \$50 for a mandatory child restraint education program and a \$10 surcharge deposited into a neurotrauma special fund.

⁸In Indiana, children younger than 8 years must be restrained in adult belts if it's reasonably determined they cannot fit in child restraints. If the driver does not hold an Indiana driver's license, then children under 16 must be restrained by either a child restraint or a safety belt. Children weighing more than 40 pounds are permitted to be restrained by a lap belt if the vehicle is not equipped with lap and shoulder belts or if all lap and shoulder belts other than those in the front seat are being used to restrain other children who are younger than 16.

⁹In Maryland, vehicles registered out of state are required to restrain children under the age of 4 years or 40 pounds or less in a child restraint system.

¹⁰Nebraska's law is secondary for those children who may be in safety belts and standard for those who must be in a child restraint device.

¹¹In Nevada, the minimum fine is \$100. An alternative to the fine is at least 10 but not more than 50 hours of community service.

¹²In North Carolina, children younger than 5 who weigh less than 40 pounds must be restrained in a child safety seat in the rear seat if the vehicle has a passenger airbag, unless the child restraint system is designed for use with airbags.

¹³In Ohio, the law is secondary for children 4 through 14 years.

¹⁴In Oklahoma, children weighing more than 40 pounds are permitted to be restrained in the back seat of a vehicle by a lap belt if the vehicle is not equipped with lap and shoulder belts or when the lap and shoulder belts are being used by other children who weigh more than 40 pounds.

¹⁵In Pennsylvania, the law is secondary for children ages 4 through 7 years who must be in booster seats.

¹⁶Children at least 4 years but less than 8 years may be belted if any licensed physician determines that use of a child restraint system by a particular child would be impractical by reason of the child's weight, physical fitness, or other medical reason, provided that any person transporting a child so exempted shall carry on his person or in the vehicle a signed written statement of the physician identifying the child so exempted and stating the grounds for the determination.

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