

SB

218

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 2/27/08

FURTHER:

DATE TURNED
IN TO OFFICE: _____

Finance Committee considered SENATE BILL NO. 218

SB 218 CHILD SAFETY SEATS & SEAT BELTS

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

and recommends:

- be replaced with SCS or CS SB 218 (FIN)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title

HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
<u>DOT</u>	<u>1/28/08</u>	<u>✓</u>			<u>1</u>

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Elton	✓			
	Thomas	✓			
	Huggins	✓			
	Olson	✓			
CO-CHAIR:	Hoffman	✓			
CO-CHAIR:	Spelman	✓			

*Adopted
1/24/08*

25-LS1273C
Luckhaupt
1/23/08

CS FOR SENATE BILL NO. 218()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): SENATOR FRENCH

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

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

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

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

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

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 218
(S) Publish Date: 2/6/08

Identifier (file name): SB218-DOT-PD-01-28-08 Dept. Affected: DOT&PF
Title: An Act relating to use of child safety seats and seat belts. RDU: Planning
Sponsor: Senator Hollis French Component: Program Development
Requester: Senate Transportation Component Number: 2762

Expenditures/Revenues estimated \$194,235 additional federal funding in FFY09

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES		194.2	194.2				
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE

1002 Federal Receipts		194.2	194.2				
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	194.2	194.2	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

Federal DOT Chief Counsel has confirmed that the passage of SB218 will qualify Alaska for additional federal funds. Alaska would be eligible to receive an estimated \$194,235 in FFY09 and \$194,235 in FFY10. The exact funding amount will be based on the number of states that qualify and apply for funding.

CHILD SAFETY AND BOOSTER SEAT INCENTIVE GRANTS provide funds to States that are enforcing a law requiring any child riding in a passenger vehicle who is too large to be secured in a child safety seat to be secured in a child restraint that meets the requirement prescribed under section 3 of Anton's Law (49 USC 30127 note; 116 Stat. 2772), for an appropriate child safety seat or booster seat. States become eligible for these funds when specific weight and height of children are included in statute.

Prepared by: Mary Siroky Legislative Liaison
Division: Commissioner's Office
Approved by: Nancy Sagle
Director Division of Administrative Services

Phone 907 465-4772
Date/Time 1/28/08 2:00 PM
Date 1/28/2008

FISCAL NOTE # 1

STATE OF ALASKA
2008 LEGISLATIVE SESSION

BILL NO. SB 218

ANALYSIS CONTINUATION

To qualify for a grant under this program, a State child restraint law must not leave any gaps in coverage for children under 8 years old (e.g., gaps between coverage by a child safety seat and a booster seat.)

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, but does not include which safety device must be used based on a child's age, height and weight.

SB 218 puts USDOT National Highway Traffic Safety Administration (NHTSA) recommendations in statute, clarifying for law enforcement officials what devices are required for proper child restraint.

Up to 50 percent of the grant a State receives in a fiscal year may be used to fund programs for purchasing and distributing child safety seats and restraints to low income families. The remaining amounts shall be used to carry out child safety seat and child restraint programs, including: enforcement of child restraint laws; training of child passenger safety professionals, police officers, fire and emergency medical personnel, educators, and parents concerning all aspects of the use of child safety seats and child restraints; and educating the public concerning the proper use and installation of child safety seats and child restraints.

DOT&PF would receive these federal funds through federal transportation funding via the capital budget.

Marilyn Dize

From: Louanne Christian
Sent: Thursday, April 03, 2008 4:36 PM
To: lhfccllc+senateschedule@legis.state.ak.us
Subject: SFC Agenda for Friday

AGENDA

Friday, April 4, 2008

9:00 AM

SB 218-CHILD SAFETY SEATS & SEAT BELTS

SB 226-VEXATIOUS LITIGANTS

HB 326-MILITIA & NAT'L GUARD FIGHT WILDLAND FIRE

SB 218

Child Safety Seats and Seat Belts



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



Primary and Secondary Laws

- Primary (AK, AL, CA, CT, DC, DE, GA, HI, IA, IL, IN, KY, LA, MD, MI, MS, NC, NJ, NM, NY, OK, OR, SC, TN, TX, WA)

- Secondary (AR, AZ, CO, FL, ID, KS, MA, ME, MN, MO, MT, ND, NE, NV, OH, PA, RI, SD, UT, VA, VT, WI, WV, WY)

- No adult safety belt law (NH)

- States Mandating Booster Seat Use



Safe Kids[®]

Alaska

January 30, 2008

The Honorable Senator Hollis French and Members of the State of Alaska Legislature
Transportation Committee

Dear Senator French and Transportation Committee Members,

On behalf of Safe Kids Alaska, I urge you to support Senate Bill 218, the proposed upgrade to Alaska's child passenger safety law. I strongly urge you to approve this legislation in its entirety during the current legislative session.

As you may know, motor vehicle crashes remain the leading cause of unintentional injury-related death among children ages 14 and under. Each year, nearly 1,600 child occupants ages 14 and under die in motor vehicle crashes and close to 228,000 are injured as occupants in motor vehicles. Unrestrained children are more likely to be injured, to suffer more severe injuries, and to die in motor vehicle crashes than children who are restrained.

We know that strong occupant protection laws that are consistently enforced are one of the best ways to prevent injuries and save children's lives. Senate Bill 218, if enacted into law, would close a significant gap in Alaska's child occupant protection law by clearly requiring some older children to ride properly restrained in a booster seat or high-weight-harness child restraint, secured by the motor vehicle's safety belt system.

If Safe Kids Alaska can be of any assistance to you regarding Senate Bill 218, please do not hesitate to contact me. Thank you for your leadership on this important safety initiative for Alaska's children!

Sincerely,

Sara L. Peniston, RN, BSNS, CPSTI
Safe Kids Alaska State Coalition Coordinator
Child Passenger Safety Technician Instructor
The Children's Hospital at Providence
Telephone: (907) 261-3194
Email: safekidsak@providence.org

Safe Kids Alaska: Preventing Childhood Injury in The Last Frontier

Senator Hollis French
Alaska State Legislature

January 25, 2008

Support Letter: SB 218
Child Safety Seats and Seat Belts

Booster seats DO save lives and DO prevent life long injuries.

The last child passenger safety law written in Alaska was in the 80's. We have discovered since then, through the advancement of technology, of on-scene crash investigations, hands-on emergency trauma treatment, through pediatric intensive care, and months, if not years, of rehabilitation the serious consequences of non-use and misuse of child restraints.

I have been an emergency department registered nurse in three major western trauma centers during my 42 professional years. The last 22 of those years, I worked in the largest emergency department in an Anchorage, Alaska and coordinated a statewide, national injury prevention program for children.

Currently, in "retirement", I serve as the Chair of the Alaska Committee for Child Passenger Safety (CPS) and am a nationally certified CPS Instructor.

Beginning in 1987 in Alaska, CPS technicians and instructors began "checking" car seats, educating parents and caregivers how to choose and correctly install seats. Annual evaluation of thousands of car seat "check" records, indicated an 85% misuse rate in the most commonly used seats, with three or more critical errors. We also continued to find, through the years, parents and caregivers misunderstood the Alaska Child Passenger Safety Law. Most, when questioned, said the law allowed children to turn forward facing BEFORE one year of age and children could MOVE to a "safety belt" at age 4.

Due to muscle instability and bone growth, children MUST remain rear facing until they are at the very least one-year of age and 20 pounds. The American Academy of Pediatrics recommends, barring any medical conditions, children remain rear facing for even longer depending on the range of the car seat. Car seat belts (lap only and lap-shoulder) were designed by all car manufacturers for individuals over 4 foot 9 inches and heavier than originally indicated, fitting over the upper thighs, across the chest, with knees bent at seat edge, feet touching the floor, holding an individual safely in the restraint.

It is time to join the majority of states and update Alaska's Child Passenger Safety Law. We have the knowledge and the data indicating children are at risk if not secured properly and secured in booster seats for a longer period than previously indicated. Parents look to our current law for guidance and have been confused, putting children at risk.

There is nothing quite so tragic as the loss of a child due to preventable injuries.

Thank you for your consideration: Margaret (Peggy) Hayashi, R.N.

January 24, 2008

Dear Senator Hollis French,

Thank you for hosting Senate Bill 218 which if passed, would mandate booster seat use for children under 4'9". The law currently states "Children over four must be secured in an approved child safety seat, booster seat or safety belt, whichever is appropriate for the particular child."

As a nationally certified Child Passenger Safety instructor, I work with families promoting motor vehicle safety. It is quite common to find the 4-8 year old child restrained only by a seat belt. If Senate Bill 218 was passed, parents with children between 4-8 years old would know that a booster seat is appropriate for their child's motor vehicle safety.

I commonly witness youngsters (4 to 8 years old) in seat belts only. Seat belts are designed for an adult body and do not fit a child properly; the shoulder belt cuts into their neck or face, the lap belt fits high on their abdomen. To counteract the poor fit, the child puts the shoulder belt behind their back- now the child only has a lap belt holding them into the vehicle.

Unfortunately in the event of a crash, if the child is only secured by the lap belt up high on their abdomen, the injuries to their internal organs, spine, neck, and head are far greater and severe. National studies have shown children restrained in booster seats are sixty percent safer than seat belts alone.

In the June 2003 issue of the Journal of the American Medical Association, a study was published showing the first real-world evidence of the added safety benefits of booster seats compared with seat belts alone. In addition, the study demonstrates that proper positioning of the belt by booster seats virtually eliminates injuries associated with seat belt syndrome, including injuries to the abdomen and spine. In contrast, children in the study who were restrained in seat belts alone suffered injuries to every body region.

Seat belts are not designed for children, seat belts are designed to fit those over 4'9" and at least 80 pounds. Let's protect our Alaskan children, as 39 states have, by passing a Booster Seat law.

Thank you and please let me know if I can be assistance in promoting booster seat legislation. Sincerely, Beth

Beth Schuerman, Certified Child Passenger Safety Instructor
8805 Little Brook St.
Anchorage, AK 99507
907-244-1123

Alaska Automobile Dealers Association

January 25, 2008

Re: SB 218

To All Members of the House and Senate:

The Alaska Auto Dealers Association Board of Directors passed a unanimous resolution in support of SB 218 and we urge you to support this worthy bill. SB 218 bill, if passed, will help protect young children by updating the current infant and booster seat law which has become outdated.

For example, current law gives the parent the option of placing a small four year old in a booster seat or utilizing a seat belt. Vehicle safety systems have advanced dramatically since the current law was written with a variety of active and passive safety devices being added to vehicles. Front, side and curtain airbags, which have tremendous explosive force if triggered, are just one example of safety devices that weren't in existence when the current law was written.

As automobile dealers, we can assure you that no vehicle manufacturer recommends placing a small four year old in a seat belt only. Doing so could result in serious injury or death to the child.

Nearly forty two states have updated their infant and booster seat laws along the lines proposed. By adopting new legislation, the State will be eligible for grant monies which could be used for a safety campaign. Most importantly, however, updating our law will insure that children are better protected on Alaska's roads. We urge and appreciate your support of SB 218.

Sincerely,

Jon Cook

Jon Cook
Legislative Director

Allison Biastock

From: Heath, Brian [BHeath@borough.kenai.ak.us]
Sent: Monday, January 28, 2008 4:51 PM
To: Allison Biastock
Subject: SB218

As a Paramedic/ Firefighter, as a parent of three children and as someone who has witnessed the aftermath of preventable childhood injuries, I fully and without reservation support the passage of SB218.

NREMT-P/Engineer/CSS Tech
Brian P. Heath
Central Emergency Service
Soldotna, Alaska



Property Casualty Insurers Association of America

Shaping the Future of American Insurance

January 29, 2008

The Hon. Hollis French
Alaska State Senator
State Capitol, Room 417
Juneau, AK 99801-1182

RE: Support for SB 218

Dear Senator French,

On behalf of the more than 1,000 insurer members of the Property Casualty Insurers Association of America, who collectively write more than 40% of the property/casualty insurance policies in force in the United States today, I am pleased to inform you of our support for your proposed SB 218, an act relating to child safety seats and seat belts.

PCI has recently adopted a revised policy position on the issue of child safety in private passenger autos, which recognizes that while all 50 states currently have laws on the books aimed at protecting children traveling in private passenger autos, there are gaps in those laws in many states, particularly in the 4-8-year old age group. Passage of SB 218 would bring Alaska into compliance with standards set by the National Highway and Transportation Safety Administration for children. We support this legislation and applaud the efforts you and your colleagues in the Alaska Legislature are putting forth to improve child safety.

Please let me know if I can provide any additional information.

A handwritten signature in cursive script that reads "Kenton Brine".

Warm Regards,
Kenton Brine
NW Regional Manager

CC: Kris Knauss, PCI AK lobbyist



The Children's Hospital at Providence

January 30, 2008

The Honorable Senator Hollis French and Members of the State of Alaska Legislature
Transportation Committee

Dear Senator French and Transportation Committee Members,

On behalf of The Children's Hospital at Providence, I urge you to support Senate Bill 218, the proposed upgrade to Alaska's child passenger safety law. I strongly urge you to approve this legislation in its entirety during the current legislative session.

As you know, motor vehicle crashes remain the leading cause of unintentional injury-related death among children ages 14 and under. Each year in the United States, nearly 1,600 child occupants ages 14 and under die in motor vehicle crashes and close to 228,000 are injured as occupants in motor vehicles. Unrestrained children are more likely to be injured, to suffer more severe injuries, and to die in motor vehicle crashes than children who are restrained.

The Children's Hospital at Providence provides the hospital care to many of Alaska's children who are seriously injured in automobile accidents. So many of these tragedies could be prevented or would have less severity if the children had been adequately restrained.

We know that strong occupant protection laws that are consistently enforced are one of the best ways to prevent injuries and save children's lives. Senate Bill 218, if enacted into law, would close a significant gap in Alaska's child occupant protection law by clearly requiring some older children to ride properly restrained in a booster seat or high-weight-harness child restraint, secured by the motor vehicle's safety belt system.

If we at The Children's Hospital at Providence can be of any assistance to you regarding Senate Bill 218, please do not hesitate to contact me. Thank you for your leadership on this important safety initiative for Alaska's children!

Sincerely,

Richard Mandsager, MD

Executive Director - The Children's Hospital at Providence