

SB

72

HOUSE CS FOR CS FOR SENATE BILL NO. 72(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS FRENCH, Paskvan
REPRESENTATIVE Gruenberg

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 19.10.095 is amended to read:

4 Sec. 19.10.095. Signs promoting the use of safety belts and child safety
5 devices. The department may erect and maintain signs encouraging the use of safety
6 belts and child safety devices at the site of a motor vehicle accident where a fatality
7 occurred as the result of a person's failing to use a safety belt or child safety device.
8 This section does not limit the authority of the department to erect or maintain signs to
9 protect the public safety and welfare of persons using the highways of the state.

10 * Sec. 2. AS 28.05.095(b) is amended to read:

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

15 (1) less than one year of age or a child one year of age or older who

1 weighs less than 20 pounds shall be properly secured in a rear-facing child safety
 2 seat that meets or exceeds [IS LESS THAN FOUR YEARS OF AGE, THE CHILD
 3 SHALL BE PROPERLY SECURED IN A CHILD SAFETY DEVICE MEETING
 4 THE] standards of the United States Department of Transportation and is used in
 5 accordance with the manufacturer's instructions;

6 (2) one or more years of age but less than five years of age who
 7 weighs 20 pounds or more shall be properly secured in a child restraint device
 8 that meets or exceeds the standards of the United States Department of
 9 Transportation and is used in accordance with the manufacturer's instructions;

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

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

18 (5) eight years of age [FOR A CHILD SAFETY DEVICE FOR
 19 INFANTS. IF THE CHILD IS FOUR] but less than [NOT YET] 16 years of age who
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Alaska State Legislature



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State Affairs Committee

Member
Judiciary Committee
Labor & Commerce Committee
Health & Social Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety

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Re House CS for CS for SB 72(TRA) 26-LS0376\P

Please draft a final CS for SB 72(TRA) that passed out of the House State Affairs Committee this morning amended as follows:

Conceptual Amendment#1 (Seaton)

Page 2 Line 23 after "child" *insert* **as determined by the driver**

N
Passed

Conceptual amendment (#1)

by Seaton
to HCS for CSSB 72 (TRA)

Insert on page 2 line 23 after child

~~is~~

"as determined by the driver."

HOUSE CS FOR CS FOR SENATE BILL NO. 72(TRA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Offered: 3/23/09
Referred: State Affairs, Finance

amendment

Sponsor(s): SENATORS FRENCH, Paskvan

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5 accordance with the manufacturer's instructions;

6 (2) one or more years of age but less than five years of age who
7 weighs ~~20 pounds or more~~ ^{less than 40 lbs} shall be properly secured in a ~~child restraint device~~ ^{front facing child safety seat}
8 that meets ~~or exceeds~~ the standards of the United States Department of
9 Transportation and is used in accordance with the manufacturer's instructions;

10 (3) over four years of age but less than ~~eight~~ ¹⁸ years of age who is
11 less than 57 inches in height ~~and weighs 20 or more pounds but less than 80~~
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13 system ~~or by another child passenger restraint system~~ that meets or exceeds the
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Soft was done in the last year

*who decides
What is
appropriate*

Handwritten signature/initials

Vague

*Allison
Does not
need to leave
as is*

*IF you over
Laura Glaser
Candy Cashem*

Child Passenger Safety

A PARENT'S PRIMER

When you're an expectant mother, it's important to always wear your seat belt to protect you and your unborn child. Wear the lap belt across your hips and below your belly with the shoulder belt across your chest (between your breasts). Once your baby is born, follow these important safety steps.

GROWING UP SAFE: It's a four-step process.

As children grow, how they sit in your car, truck or SUV should change.

Save your child from injury or death by observing all four steps:

REAR-FACING SEATS



For the best possible protection keep infants in the back seat, in rear-facing child safety seats, as long as possible up to the height or weight limit of the particular seat. At a minimum, keep infants rear-facing until a minimum of age 1 and at least 20 pounds.

FORWARD-FACING SEATS



When children outgrow their rear-facing seats (at a minimum age 1 and at least 20 pounds) they should ride in forward-facing child safety seats, in the back seat, until they reach the upper weight or height limit of the particular seat (usually around age 4 and 40 pounds).

BOOSTER SEATS



Once children outgrow their forward-facing seats (usually around age 4 and 40 pounds), they should ride in booster seats, in the back seat, until the vehicle seat belts fit properly. Seat belts fit properly when the lap belt lays across the upper thighs and the shoulder belt fits across the chest (usually at age 8 or when they are 4'9" tall).

SEAT BELTS



When children outgrow their booster seats, (usually at age 8 or when they are 4'9" tall) they can use the adult seat belt in the back seat, if it fits properly (lap belt lays across the upper thighs and the shoulder belt fits across the chest).

Get Help!

ON THE WEB

Go to www.nhtsa.gov and choose Child Safety Seat Information from the menu or click on the child passenger safety icon. The site includes child safety seat installation tips, product ratings, recalls, and other useful information.

BY PHONE

For more information about child safety seats, booster seats, inspection/fitting stations in your area, seat belts, air bags, and

other highway safety issues, call the DOT Vehicle Safety Hotline at: 1-888-327-4236.

NEAR YOU

A certified child passenger safety technician can check your installation and answer questions. To find a technician or an inspection station near you, go to www.nhtsa.gov, click on the child passenger safety icon, and then click on the Fitting/Inspection Station link or go to www.seatcheck.org.

REMEMBER: All children under 13 should ride in the back seat.

Always read the child restraint instructions and the vehicle owner's manual.



AMENDMENT EFFECT:

- Consistent use of child safety seat terms
- Aligns the weight/height grid with NHTSA published standards.
- Strikes a weight requirement when transitioning to a booster seat and to a seat belt

NHTSA Height/Weight Schedule for Child Safety Seats

Source: "Traffic Safety Facts August 2007", and also "Child Passenger Safety – A Parent's Primer" (undated)

AGE		HEIGHT		WEIGHT	PROPERLY SECURED IN A:
<less than 1 year old	-	-	<u>and</u>	less than 20 lbs.	"rear-facing child safety seat"
1 to 4 yrs old	-	-	<u>and</u>	less than 40 lbs.	"front-facing child safety seat"
Over 4 yrs. old	<u>and</u>	Less than 57" tall	-		"booster seat"
Over 7 yrs. old	<u>and</u>	Over 57" tall	-		"seat belt"

Note: the NHTSA refers to an approximate weight; i.e. "about 20 pounds" and "about 40 pounds," but specifies 57" inches as the target height.

*remove weight
restriction*



Motor Vehicle Occupant Protection F A C T S

Appendix C – State Child Restraint Laws¹

State	Rear Safety Belts Required ²	Child Safety Seat Required	May Use Child Safety Seat or Safety Belt	Max Fine ⁴	Points	Major Exemptions to Child Passenger Laws ⁶	Children Allowed in Cargo Area of Pickups?
AL	<6 yrs	<4 yrs	Ages 4-5 yrs	\$10		To trucks or buses weighing ≥ 1 ton	Yes
AK	<16 yrs	<4 yrs		\$50	2	None	No
AZ	<16 yrs	<5 yrs	Age 5-15 yrs	\$10		All vehicle belts in use	
AR	<15 yrs	Age 6 yrs & >60 lbs	Age 6 yrs or >60 lbs	\$100		None	
CA	<16 yrs	<6 yrs or <60 lbs		\$100	1	None	
CO	<16 yrs	<4 yrs & <40 lbs & ≥ 4 yrs & <6 yrs & <55" tall ¹⁷	Ages 6-15 & >40 lbs & 55" tall	\$56		Transported in motor vehicle as a result of a medical emergency	Yes, if sitting & tailgate closed
CT	<16 yrs	<4 yrs and <60 lbs	40 lbs & over	\$60	2	None	No
DE	<16 yrs ³	<6 yrs	60 lbs & over	\$20	2	No major exemptions	No
DC	<16 yrs	<8 yrs	Ages 8 yrs-16 yrs	\$150	3	All vehicle belts in use ⁷	No
FL	<16 yrs	<4 yrs	Age 4-5 yrs	\$60	3	None	No
GA	<16 yrs	<5 yrs	Not permissible	\$50	1	May use belt if age 5 and over	If on non-interstate roadway
HI	<18 yrs	<3 yrs	Age 4 yrs	\$100		All vehicle belts in use ⁷	No ¹³
ID	>4 and <18 yrs	<4 yrs or <40 lbs	>4 or >40 lbs	\$60		All vehicle belts in use ^{7,8}	Yes
IL	<16 yrs	<8 yrs	Ages 4-15 yrs, all seating positions	\$50		None	Yes
IN	<12 yrs	<4 yrs	Ages 4-16 yrs, all seating positions & vehicles	\$25	4	Vehicle registered out of State	<16 yrs not allowed
IA	<11 yrs	<6 yrs ²¹	Ages 6-10 yrs	\$25		Motorcycles, school buses, emergency vehicles & medical reasons per physician	Yes
KS	<14 yrs	<4 yrs		\$20		All vehicle belts in use	If >13 yrs
KY	<16 yrs	40" & Under		\$50		None	Yes
LA	<13 yrs	<6 yrs or 60 lbs	Ages 3-13 yrs	\$100		Ambulances, school buses, church buses, commercial	If >11 yrs

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[The Need To Promote Occupant Restraint Use for Children, Youth, and 16- to 20-Year-Olds](#)

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[Facts About Young Adults Ages 16 to 20](#)

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- [Appendix A: Persons Killed in Motor Vehicle Crashes, by State and Age Group, 2002](#)
- [Appendix B: Passenger Vehicle Occupants Killed in Motor Vehicle Crashes, by State and Restraint Use, 2002](#)
- **Appendix C: State Child Restraint Laws**

[For Additional Information](#)

[Charts](#)

						vehicles	
ME	<12 yrs, <100 lbs	<8 yrs	Ages 4-17 yrs, <12 & 100 lbs	\$60		All vehicle belts in use ⁹	<16 yrs not allowed
MD	<16 yrs	≤6 yrs	>40 lbs	\$25		All vehicle belts in use, vehicle registered out of State exempt	No
MA	<13 yrs	<5 yrs or <60 lbs	>Age 5 yrs	\$25		None	If >16 yrs
MI	<16 yrs	<4 yrs		\$15		All vehicle belts in use ⁷	No ^{12,13}
MN	<11 yrs	<4 yrs		\$50		Child being nursed	No ^{12,14}
MS	<8 yrs	<4 yrs		\$25		See footnote ²⁰	Yes
MO	<16 yrs	<4 yrs	Ages 4-15 may use safety belts	\$25			No
MT	<16 yrs	<2 yrs	Ages 2-6 or <60 lbs	Up to \$100		No more than 3 CSS required in a vehicle; physical or medical reasons per physician	No ^{13,14}
NE	<16 yrs	<6 yrs		\$25		Medical reasons per physician, emergency vehicles, taxi cabs	No
NV	<16 yrs	<6 yrs, <80 lbs, & <55"		\$500		Public transportation	No
NH	<18 yrs	<6 yrs		\$25		None	No
NJ	<18 yrs	<8 yrs or 80 lbs		\$25		All vehicle belts in use ⁷	No
NM	≤16 yrs	<1-4 yrs ¹⁸	Ages 5-12 yrs	\$25		All vehicle belts in use ¹⁹	No, if <18
NY	<16 yrs	<4 yrs		\$100	3	None	Yes ¹⁵
NC	<16 yrs	<5 yrs, <40 lbs	Ages 5-15 yrs			Child's personal needs being attended to	If >11 yrs ^{12,14,16}
ND	<18 yrs	<4 yrs	Ages 4-17 yrs		1	All vehicle belts in use by family members, or transported in an emergency situation	Yes
OH	<4 yrs or <60 lbs	<4 yrs or <60 lbs		\$100		Vehicle registered out of State	If traveling <25 mph ¹²
OK	≤13	<6 yrs	≥6 but <13	\$25		All vehicle belts in use	Yes
OR	<16 yrs ²⁰	<4 yrs or <40 lbs	Age 6 yrs & >60 lbs	\$94		None unless all belted positions taken	Yes
PA	<16 yrs	<4 yrs		\$25		None	Yes
RI	<17 yrs	<7 yrs & 54" & 80 lbs in Federally Approved Child Restraint System in back seat	Age 7 yrs or older	\$75		All vehicle belts in use	No, up to age 16
SC	<17 yrs	≤5 yrs or <80 lbs	≥1 but <6 years	\$25		If all vehicle belts in use	Yes
SD	<18 yrs	<5 yrs & <40 lbs	Ages 5-17, & > 40 lbs	\$20		None	Yes
						All vehicle belts in	If >5 yrs or

TN	<18 yrs	<4 yrs ²⁵		\$50 ⁵		use ^{8, 10}	moving <20 mph
TX	≤17 yrs	<4 yrs or <36"	Ages 4-16 yrs	\$200		All vehicle belts in use	<17 yrs not allowed
UT	<19 yrs	<5 yrs	Ages 5-18 yrs	\$45		All vehicle belts in use, physical or medical reasons per physician	No
VT	<16 yrs	<8 yrs		\$25		All vehicle belts in use ¹¹	Yes
VA	<16 yrs	≤5 yrs	Ages 6-15	\$50	3	No major exemptions	Yes
WA	<16 yrs	<6 yrs or <60 lbs	Ages 6-16 yrs ²³	\$101		No major exemptions ²⁴	Yes
WV	<16 yrs	<3 yrs	Ages 3-8 yrs	\$20		All vehicle belts in use	No
WI	<8 yrs	<4 yrs	Ages 4-8 yrs	\$75		Attending to child's personal needs	No ¹⁴
WY	<12 yrs	<8 yrs & <80 lbs properly secured in CRS in back seat ²²	Ages 5-11 yrs	\$50		Physician provides medical exemptions, rendering aid and or assistance to child by parent/guardian	Yes
PR	All persons, all ages, unless in a safety seat must wear a safety belt	<5 yrs	<12 must ride in back seat	\$100		None	No

¹This chart applies to children younger than age 19. As of the printing of this document, 24 States & DC have enacted legislation to address booster seat age children. Legislation varies from State to State.

²Front seat restraints are required for all children younger than 16.

³Children < 12 years old and < 66 inches may not occupy front seat if equipped with passenger-side air bag.

⁴Maximum fine for first offense of child safety seat laws. Fines may be different for older children.

⁵Or 30 days in jail.

⁶Major exemptions are considered to be exemptions in private passenger vehicles (cars, vans, or pickups). Many States have exemptions for buses, taxis, or other public transportation, children with medical conditions, and emergency situations.

⁷Unrestrained children must be in the rear.

⁸Law does not apply if the child's personal or physiological needs are being met.

⁹Only for children > 1 year old.

¹⁰Only for ages 4 through 11.

¹¹Only for children older than age 4.

¹²Unless properly restrained in a safety belt or child safety seat.

¹³Unless number of children exceeds number of safety belts available.

¹⁴Unless used in farm work or farm activity.

¹⁵Unless there are more than five children younger than age 18 not accompanied by a person older than 18.

¹⁶Unless supervised by an adult.

¹⁷Effective 8/1/03, secondary enforcement and 1-year warning period.

¹⁸< 1yr rear-facing CSS; age 1-4 child passenger restraint device or < 40 lbs.

¹⁹Or riding in an emergency vehicle, public transportation, or school bus.

²⁰If there are more passengers than available safety belts, the driver/passengers are not in violation; public carriers for hire are exempted.

²¹Enacted July 2004 with condition of an 18-month education phase-in period.

²²Unless the vehicle has only one row of seats, then the child can be placed in the front, as of 7/1/03.

²³May use safety belt only if properly adjusted and fastened.

²⁴The CPS law does not apply if the child is booster seat age/size and the vehicle has lap-only safety belts.

²⁵Beginning 7/1/04, child < 1 or < 20 pounds in rear-facing safety seat.

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PROPOSED AGE / WEIGHT / HEIGHT GRID UNDER SB 72

26-LS03761E

AGE		HEIGHT		WEIGHT	PROPERLY SECURED IN A:	Approx. % aged-children falling inside Ht/Wt parameters
Less than 1 year old		-	<u>and</u>	less than 20 lbs.	"rear-facing child safety seat"	99%
1 to 4 yrs old		-	<u>and</u>	More than 20 lbs.	"child restraint device"	99%
5 to 7 yrs. Old	<u>and</u>	<57"	<u>and</u>	21 to 79 lbs.	"booster seat that is secured by a seat belt system OR by another child passenger restraint system"	99%
Over 4 yrs. Old	<u>and</u>	>57"	<u>and</u>	Over 80 lbs.	"seat belt"	Age 11.5 yrs is the <u>average</u> soonest age to meet both Ht/Wt requirements
8 to 15 yrs. Old	<u>and</u>	<57"	<u>and</u>	Less than 80 lbs.	"child safety devise...or in a safety belt, <u>whichever is appropriate</u> "	Age 11.5 yrs is the <u>average</u> soonest age to meet both Ht/Wt requirements

Source: SB 72 bill text

95% of BOYS		
	<u>Weight</u>	<u>Height</u>
Age 5	34-52 lbs.	40-46"
Age 7	41-70 lbs.	44"-52"
Age 8	45-78 lbs.	47"-54"
Age 15	96-176 lbs.	62"-72"

95% of GIRLS		
	<u>Weight</u>	<u>Height</u>
Age 5	32-52lbs.	39"-46"
Age 7	40-70lbs.	44"-52"
Age 8	44-80lbs.	46"-54"
Age 15	90-166lbs.	60"-69"

Source: www.cdc.gov/growcharts

Questions pertaining to this bill / grid on next page

Page 1 of 2

Questions re. the fast-moving SB

Why the varying vernacular: "child restraint devices", "child safety devices," and a "child passenger restraint system?" Why can't the language be consistent and easier to understand? The three basic seats are: rear-facing, front-facing, and backless booster child safety seats. Call it that accordingly.

If a parent decides it is "appropriate" for their child, who's say age 9, weighs 60lbs, and stands 50" tall, to wear a seatbelt, will that decision spare the parent from receiving a ticket for just using a seat belt, regardless of the fact that the child is under the height or weight parameters? If so, and we're indeed calling on parents' discretion, then why bother passing this law?

The National Highway Safety Administration shifts emphasis from WEIGHT to a HEIGHT requirement when transitioning to/from the booster seats. What does a child's weight have to do with improving safety and use of a booster seat over a seat belt?

NHTSA recommends a graduation from rear-facing safety seats, to front-facing safety seats, to booster seats, to seat belts as follows:

AGE		HEIGHT		WEIGHT	PROPERLY SECURED IN A:
<1 year		-	<u>and</u>	<20 lbs.	"rear-facing child safety seat"
1 to 4 yrs		-	<u>and</u>	<40 lbs.	"front-facing child safety seat"
>4 yrs.	<u>and</u>	<57"			"booster seat"
>7 yrs.	<u>and</u>	>57"			"seat belt"

This grid shows height and weight requirements. Why doesn't SB 218 reflect this easier-to-understand, and more conforming approach to the NHTSA's recommendations?

A sample of 50 high-back (front-facing) booster seat products was taken from a leading on-line retailer. The price ranged from \$40 to \$350, with an average of \$98. Rear-facing (infant) safety seats were similar in price. The no-back boosters sample was of 14 products, ranging in price from \$19 to \$60, with an average price of \$28.

Considering that the NHTSA indicates children need to make graduations through the seat types as they grow, and that parents will ultimately have to buy all three types of seats, do you assert that the booster seat requirements will not be onerous on parents, particularly low-income parents?

There are accordingly several agencies in the state who sell "thousands" of child safety seats at reduced cost, or free. Please specify these agencies and explain exactly when and where parents can take advantage these free or reduced price safety seats.

Similarly, the fiscal note for SB 218 leverages passage of the bill to federal grant money amounting to \$194K in the next two fiscal years, and 50% of which (\$82K) "may be used to fund programs for purchasing and distributing child safety seats and restraints to low income families." However, assuming the safety seat requirement takes effect in July 2008, how long will it take before those federal grant monies are actually available to parents?

Since we passed the 2006 law making it a primary offense not to be wearing a seat belt, will it also be the case that children observed not being in a booster or safety seat will give cause to pull-over and ticket parents?

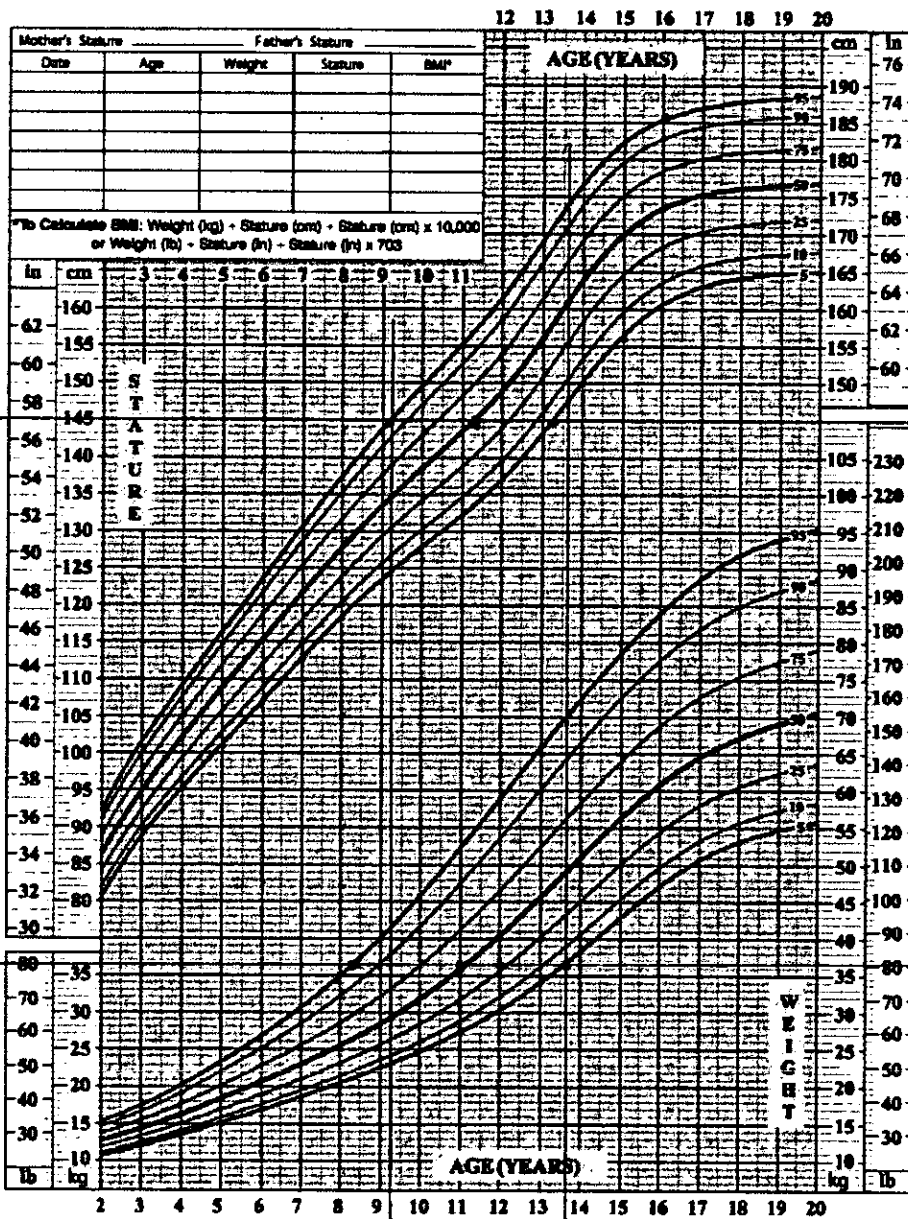
About.com: Pediatrics

About Pediatrics

2 to 20 years: Boys

Stature-for-age and Weight-for-age percentiles

NAME _____



57" ————— 57"

80/6 ————— 80/6

[back to the growth charts subject page](#)

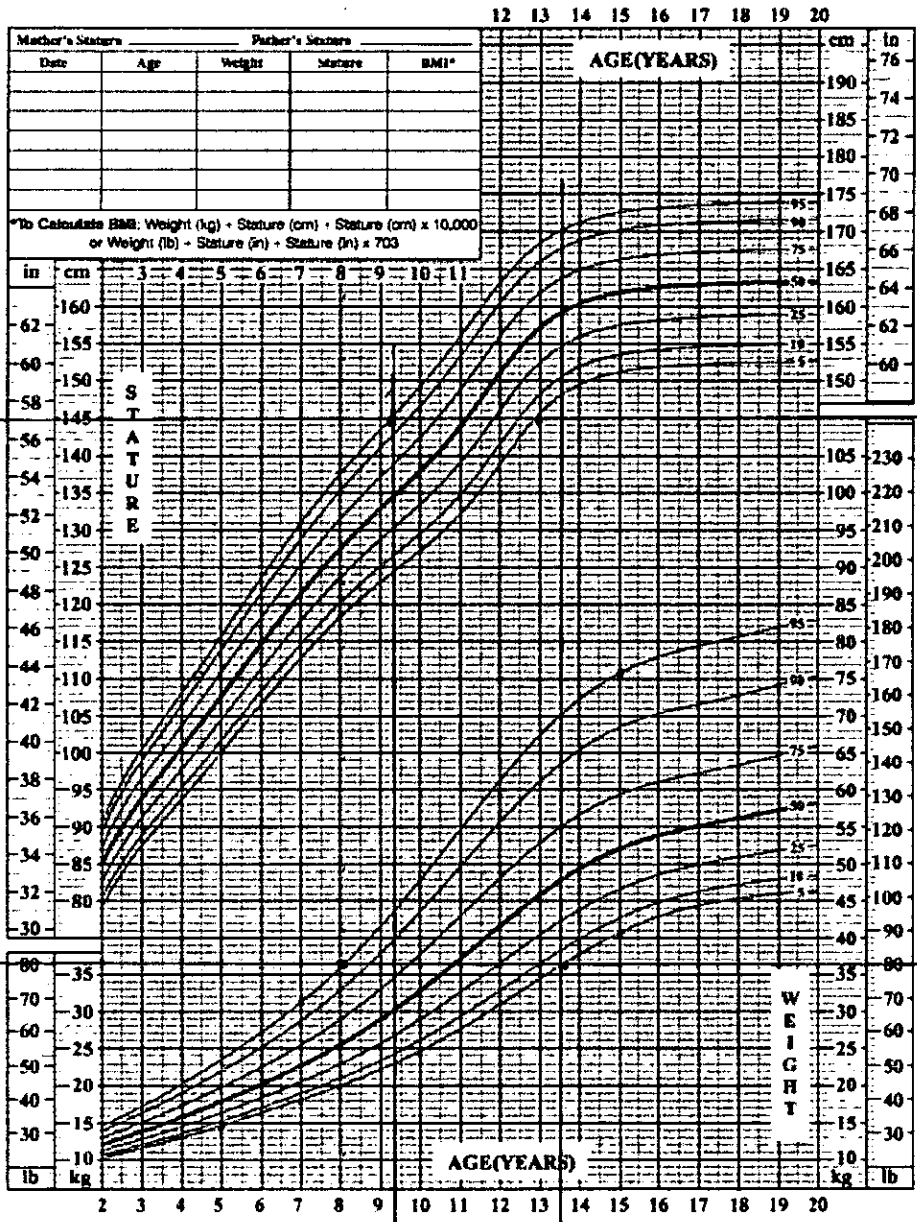
95% AGE 9.5 → 13.5 YRS.
TO MEET BOTH

About.com: Pediatrics

About Pediatrics

2 to 20 years: Girls
Stature-for-age and Weight-for-age percentiles

NAME _____



57"

57"

80lb

80lb

SOURCE: Developed by the National Center for Health Statistics in collaboration with the National Center for Chronic Disease Prevention and Health Promotion (2000). <http://www.cdc.gov/growthcharts>

[back to the growth charts subject page](#)

95%
AGE 9.5 → 13.5 yrs
TO MEET BOTH

Traffic Safety Facts



DOT HS 810 798

August 2007

Child Restraint Use in 2006 – Use of Correct Restraint Types

Donna Glassbrenner, Ph.D., and Tony Jianqiang Ye

In the first-ever probability-based study of whether children in the United States are using restraints appropriate for their height and weight, NHTSA found that almost half (44%) of children between 20 and 40 pounds were not in front-facing child safety seats in 2006, the appropriate child restraint for this weight group. This result is from the National Survey of the Use of Booster Seats (NSUBS). The NSUBS is conducted by the National Center for Statistics and Analysis of the National Highway Traffic Safety Administration.

The NSUBS provides the best information to date on the extent to which children are “prematurely graduated” to restraints inappropriate for their height and weight. This is because the NSUBS is a probability-based national survey that not only observes child restraint use, but also records the ages, heights, and weights of children via face-to-face interviews.

The 2006 survey found substantial evidence of premature graduation for all restraint types. In the following sections, we present the 2006 findings in three areas:

- Premature graduation out of rear-facing safety seats;
- Premature graduation out of front-facing safety seats; and
- Premature graduation into seat belts.

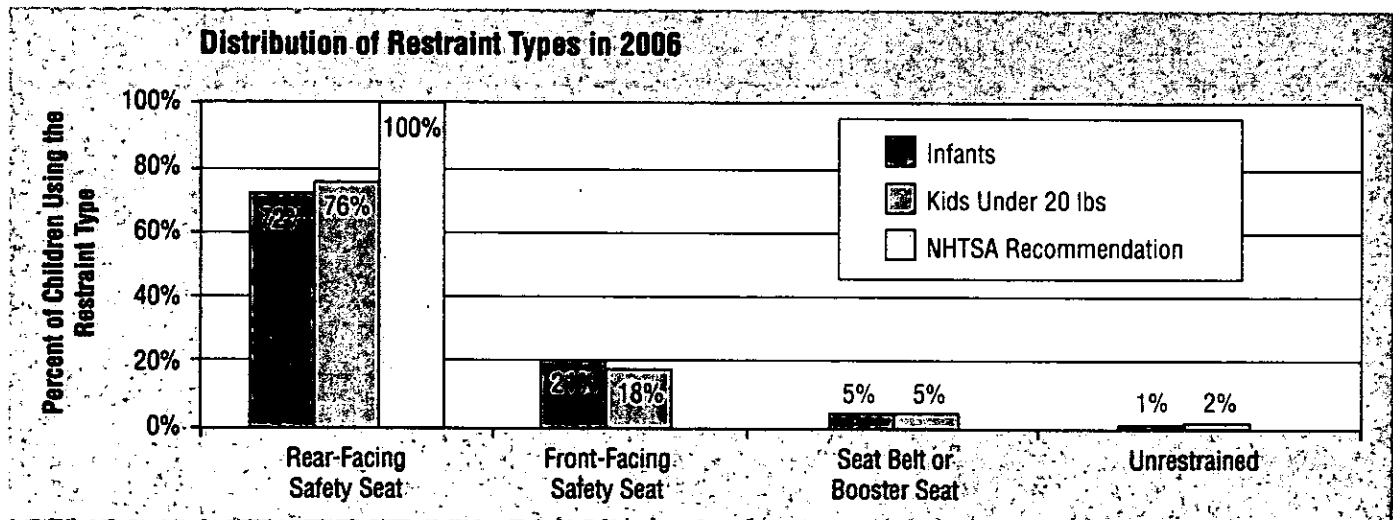
Premature Graduation Out of Rear-Facing Safety Seats

NHTSA recommends that for the best possible protection, infants should be kept in the back seat, in rear-facing child safety seats, as long as possible up to the height or weight limit of the particular seat. At a minimum, infants should be kept rear-facing until a minimum of age 1 and at least 20 pounds (source: www.boosterseat.gov).

In particular, children who are under age 1 or less than 20 pounds should be in rear-facing safety seats. However, the 2006 NSUBS found that

- Over one quarter (28%) of infants (less than 1 year) were not in rear-facing safety seats; and
- About one quarter (24%) of children less than 20 pounds (age 0 to 12) were not in rear-facing safety seats.

Most of the premature graduation for these children was to front-facing safety seats.



Note: Percentages may not total to 100% due to rounding

Source: The National Survey of the Use of Booster Seats, National Highway Traffic Safety Administration, National Center for Statistics and Analysis, 2006

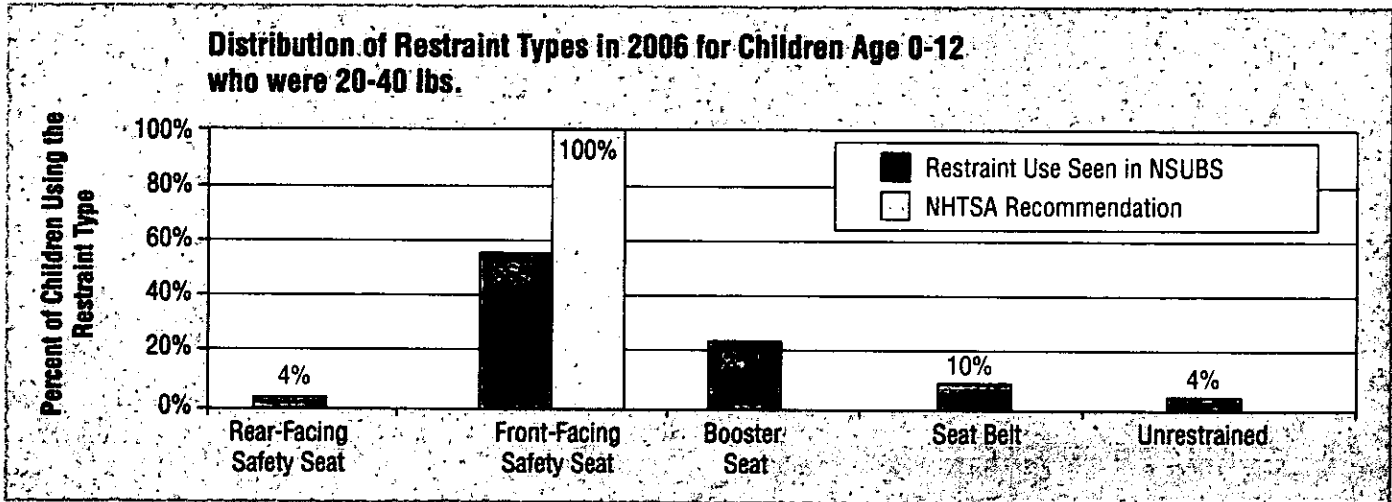
Premature Graduation Out of Front-Facing Safety Seats

NHTSA recommends that when children outgrow their rear-facing seats (at a minimum age 1 and at least 20 pounds) they should ride in forward-facing child safety seats, in the back seat, until they reach the upper weight or height limit of the particular seat (usually at around age 4 and 40 pounds). (Source: www.boosterseat.gov)

However, the 2006 NSUBS found that:

- Almost half (44%) of children age 0 to 12 who are 20-40 pounds were not in front-facing safety seats.

Some of the premature graduation for these children was to booster seats and some to seat belts.



Note: Percentages may not total to 100% due to rounding

Source: The National Survey of the Use of Booster Seats 2006, National Highway Traffic Safety Administration, National Center for Statistics and Analysis

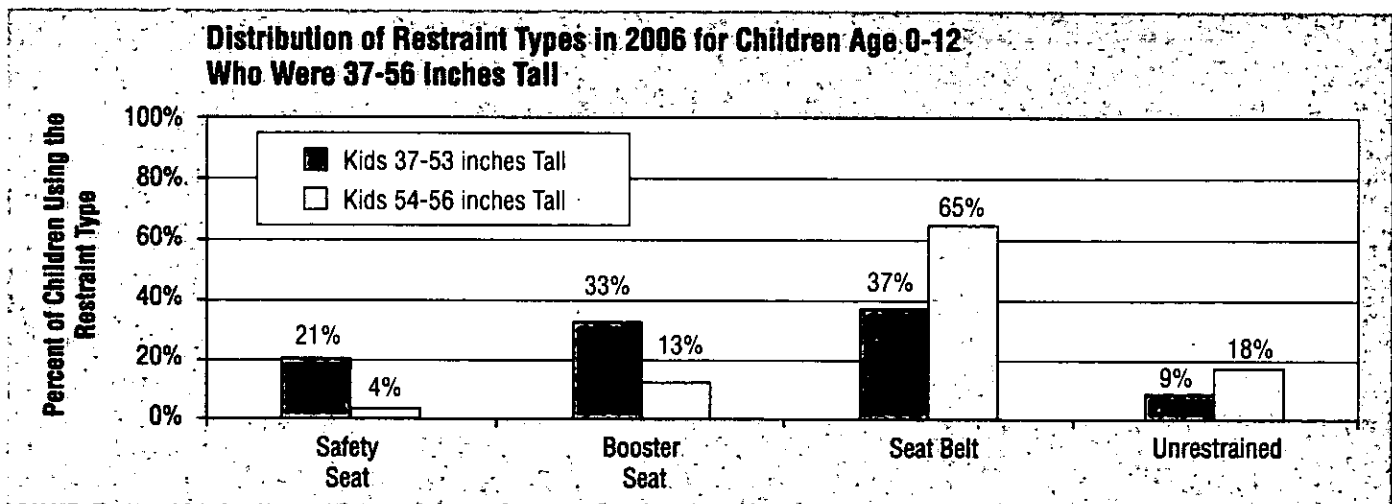
Premature Graduation to Seat Belts

NHTSA recommends that once children outgrow their forward-facing seats (usually at around age 4 and 40 pounds), they should ride in booster seats, in the back seat, until the vehicle seat belts fit properly. Seat belts fit properly when the lap belt lays across the upper thighs and the shoulder belt fits across the chest (usually at age 8 or when they are 4'9" tall). (Source: www.boosterseat.gov)

However, the 2006 NSUBS found that:

- About half (46%) of children (age 0-12) who are 37 to 53 inches tall were not in safety seats or booster seats;
- About 8 in 10 (83%) of children (age 0-12) who are 54 to 56 inches tall were not in safety seats or booster seats.

Many of these children were in seat belts and a fair number were unrestrained.



Source: The National Survey of the Use of Booster Seats 2006, National Highway Traffic Safety Administration, National Center for Statistics and Analysis

The Types of Restraints Used by Children Age 0-12, by Weight

Restraint Type ¹	Percentage of Children Observed Using the Restraint Type in 2006 ²	Standard Error
Children Who Weigh Less Than 20 Pounds		
Rear-Facing Child Safety Seat	76%	15%
Front-Facing Child Safety Seat	18%	13%
High-Backed Booster Seat	NA	NA
Backless Booster Seat	NA	NA
Seat Belt	4%	4%
No Restraint Observed	2%	1%
Children Who Weigh Between 20 and 40 Pounds		
Rear-Facing Child Safety Seat	4%	1%
Front-Facing Child Safety Seat	56%	5%
High-Backed Booster Seat	16%	7%
Backless Booster Seat	9%	5%
Seat Belt	10%	3%
No Restraint Observed	4%	1%
Children Who Weigh Between 41 and 60 Pounds		
Rear-Facing Child Safety Seat	NA	NA
Front-Facing Child Safety Seat	14%	6%
High-Backed Booster Seat	23%	6%
Backless Booster Seat	16%	5%
Seat Belt	35%	8%
No Restraint Observed	11%	3%
Children Who Weigh More Than 60 Pounds		
Rear-Facing Child Safety Seat	NA	NA
Front-Facing Child Safety Seat	0%	0%
High-Backed Booster Seat	4%	1%
Backless Booster Seat	4%	2%
Seat Belt	77%	4%
No Restraint Observed	15%	3%

¹ Survey data was obtained on children age 0 to 12 in passenger vehicles at a nationwide probability sample of gas stations, day care centers, recreation centers, and restaurants in five fast food chains.

² Restraint use is observed by trained data collectors prior to or just as the vehicle comes to a stop, except in the case of observation at fast food drive through lanes, where restraint use is observed prior to the vehicle reaching the drive-through window.

NA: Data not sufficient to produce a reliable estimate.

Source: The National Survey of the Use of Booster Seats, National Highway Traffic Safety Administration, National Center for Statistics and Analysis

The Types of Restraints Used by Children Age 0-12, by Height

Restraint Type ¹	Percentage of Children Observed Using the Restraint Type in 2006 ²	Standard Error
Children Who Are at Most 36 Inches Tall		
Rear-Facing Child Safety Seat	14%	3%
Front-Facing Child Safety Seat	55%	4%
High-Backed Booster Seat	12%	7%
Backless Booster Seat	8%	6%
Seat Belt	6%	2%
No Restraint Observed	5%	1%
Children Who Are Between 37 and 53 Inches Tall		
Rear-Facing Child Safety Seat	0%	0%
Front-Facing Child Safety Seat	21%	5%
High-Backed Booster Seat	20%	4%
Backless Booster Seat	13%	3%
Seat Belt	37%	5%
No Restraint Observed	9%	3%
Children Who Are Between 54 and 56 Inches Tall		
Rear-Facing Child Safety Seat	NA	NA
Front-Facing Child Safety Seat	NA	NA
High-Backed Booster Seat	9%	5%
Backless Booster Seat	4%	5%
Seat Belt	65%	9%
No Restraint Observed	18%	5%
Children Who Are Taller Than 56 Inches		
Rear-Facing Child Safety Seat	NA	NA
Front-Facing Child Safety Seat	NA	NA
High-Backed Booster Seat	1%	1%
Backless Booster Seat	NA	NA
Seat Belt	84%	4%
No Restraint Observed	13%	4%

¹ Survey data was obtained on children age 0 to 12 in passenger vehicles at a nationwide probability sample of gas stations, day care centers, recreation centers, and restaurants in five fast food chains.

² Restraint use is observed by trained data collectors prior to or just as the vehicle comes to a stop, except in the case of observation at fast food drive through lanes, where restraint use is observed prior to the vehicle reaching the drive-through window.

NA: Data not sufficient to produce a reliable estimate.

Source: The National Survey of the Use of Booster Seats, National Highway Traffic Safety Administration, National Center for Statistics and Analysis

The Types of Restraints Used Children Age 0-12, by Age

Restraint Type ¹	Percentage of Children Observed Using the Restraint Type in 2006 ²	Standard Error
Children Age 0 (Less Than 1 Year Old)		
Rear-Facing Child Safety Seat	72%	10%
Front-Facing Child Safety Seat	21%	7%
Booster Seat	NA	NA
Seat Belt	2%	3%
No Restraint Observed	1%	1%
Children Age 1-3		
Rear-Facing Child Safety Seat	4%	2%
Front-Facing Child Safety Seat	69%	4%
Booster Seat	19%	3%
Seat Belt	5%	2%
No Restraint Observed	3%	1%
Children Age 4-7		
Rear-Facing Child Safety Seat	NA	NA
Front-Facing Child Safety Seat	17%	4%
Booster Seat	41%	6%
Seat Belt	33%	6%
No Restraint Observed	9%	2%
Children Age 8-12		
Rear-Facing Child Safety Seat	NA	NA
Front-Facing Child Safety Seat	0%	0%
Booster Seat	8%	3%
Seat Belt	75%	4%
No Restraint Observed	16%	3%

¹ Survey data was obtained on children age 0 to 12 in passenger vehicles at a nationwide probability sample of gas stations, day care centers, recreation centers, and restaurants in five fast food chains.

² Restraint use is observed by trained data collectors prior to or just as the vehicle comes to a stop, except in the case of observation at fast food drive through lanes, where restraint use is observed prior to the vehicle reaching the drive-through window.

NA: Data not sufficient to produce a reliable estimate.

Source: The National Survey of the Use of Booster Seats, National Highway Traffic Safety Administration, National Center for Statistics and Analysis

Survey Methodology

The National Survey of the Use of Booster Seats obtains its data by sending trained data collectors to a probability sample of gas stations, day care centers, recreation centers, and restaurants in five national fast food chains across the United States. The choice of these types of data collection sites stems from the necessity of observing restraint use from a close range in a slow-moving or stopped vehicle (as is required in order to distinguish a seat belt being used in conjunction with a backless booster seat from a seat belt being used alone), combined with the desire to capture large numbers of children.

Data collectors approach passenger vehicles appearing to have child occupants under the age of 13, observe the restraint use of up to nine occupants in the first three rows of seats and conduct interviews to obtain the race and ethnicity of all occupants (obtained in compliance with OMB standards for such data) and the heights, weights, and ages of child occupants appearing to be under age 13. (The approximate ages of other occupants (expressed as an age range, such as 16 to 24 years old), and the genders of all occupants, are subjectively assessed by the data collectors.)

In order to capture restraint usage before children unfasten the restraints, restraint use is observed by the data collectors prior to or just as the vehicle comes to a stop, except in the case of observation at fast food drive through lanes, where restraint use is observed prior to the vehicle reaching the drive-through window.

In order to reach as wide an audience as possible, the NSUBS uses some Spanish-speaking data collectors.

The 2006 survey data is based on the observation of 10,000 occupants, 5,300 of whom were under age 13, in 3,500 vehicles at 28 day care centers, 107 fast food restaurants, 205 gas stations, and 43 recreation centers nationwide. The survey interviewed the drivers of 4,431 children under age 13, including 197 infants, 1,061 children age 1 to 3 years old, 1,685 children age 4 to 7 years old, and 1,488 children age 8 to 12 years old. The data was collected between July 17 and July 29, 2006.

The NSUBS uses a complex multistage probability sample, statistical data editing, imputation of unknown values and complex estimation and variance estimation procedure. See the NHTSA Technical Report referenced below for more information on these procedures, as well as for more information on the survey's data collection protocols.

The design of the survey, survey preparation activities, data collection, estimation, and variance estimation for the NSUBS were conducted by Westat, Inc., under the direction of the National Center for Statistics and Analysis in NHTSA under Federal contract number DTNH22-07-D-00057. The OMB clearance number for the NSUBS is 2127-0644.

What Do the Survey Results Tell Us? Are the Results Representative?

By design and necessity, the NSUBS survey data is obtained from a restricted set of site types, namely gas stations, day care centers, recreation centers, and restaurants in five fast food chains. However the survey uses a probability sample of these site types, and so its results are representative of children who frequent these types of sites.

For instance, the survey result that 37 percent of children between 37 and 53 inches tall were in seat belts means that among children in this height range who were taken by passenger vehicles to gas stations, day care centers, recreation centers, and fast food restaurants in 2006, 37 percent were in seat belts. Whether or not the seat belt use rate for children in this height range who do not frequent these site types is an open question, and not one that the NSUBS (or any other survey we know of) can answer.

How Do These Results Compare With NOPUS?

NHTSA conducts another survey, the National Occupant Protection Use Survey, which examines some aspects of premature graduation. The NOPUS observes children in vehicles stopped at stop signs and stop lights on a probability sample of roadways, and, as necessitated by roadside observation, assesses age subjectively, does not collect height nor weight, and its data collectors do not attempt to decipher whether a child in a shoulder belt is in a backless booster seat. Thus the NOPUS is conducted at a set of sites that is representative of U.S. roadways, but its age data is subject to observer misjudgment, its restraint type data is less complete, and it cannot provide restraint use distributions by height or weight.

The restraint use distributions NOPUS can provide (the distributions by age) are sometimes comparable to those in NSUBS, and sometimes not. Differences between the NOPUS and NSUBS estimates could be due to the different populations of vehicles captured by the two surveys (stemming from the different site types used) and/or different sources of age information (which is visually estimated in NOPUS versus obtained by interview in NSUBS). For more information on the NOPUS data, see the publication "Child Restraint Use in 2006" available at <http://www-nrd.nhtsa.dot.gov/CMSWeb/ViewCatalogbyCategory.aspx>.

Restraint Types and Definition of Use

The NSUBS uses the following definitions of restraint use:

Rear-Facing Child Safety Seat - The child occupant is in a seat that sits on top of the vehicle seat in such a way that the child faces the rear of the vehicle, and the harness straps are across the child's front. The harness straps might be secured or not.

Front-Facing Child Safety Seat - The child occupant is in a seat that sits on top of the vehicle seat in such a way that the child faces the front of the vehicle, and with harness straps that are across the child's front.

High-Backed Booster Seat - The child occupant is in a seat with a seat back that sits on top of the vehicle seat, and has a seat belt across the front of the child's body, whether lap or lap/shoulder. No harness is in use.

Backless Booster Seat - The child occupant is sitting on a platform with no seat back that sits on top of the vehicle seat, and has a seat belt across the front of the child's body, whether lap or lap/shoulder. No harness is in use.

Seat Belt - Child (or adult) is sitting on the vehicle seat and the seat belt is across front of the body (includes lap belts).

Unrestrained - All other cases

For More Information

The NSUBS has very rich information on the restraint use of all children under age 13. In particular, the NSUBS provides the agency's estimate of booster seat use among 4- to 7-year-olds and provides the best data to date on child restraint use by race and ethnicity. This publication is part of a series that presents overall results from the survey on these topics. Please see the companion publications "Booster Seat Use in 2006" and "Child Restraint Use in 2006—Demographic Results" for the latest data on these topics. Detailed information on the NSUBS survey design and analysis procedures are provided in the NHTSA Technical Report "The 2006 National Survey of the Use of Booster Seats—Methodology Report." These publications will be available at the Web site <http://www-nrd.nhtsa.dot.gov/CMSWeb/ViewCatalogby-Category.aspx> in 2007.

For more information on NHTSA's recommended child restraint types for children of various heights and weights, and for information on the campaign by NHTSA to increase child restraint use, see www.nhtsa.gov.



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

NHTSA's National Center for Statistics and Analysis

1200 New Jersey Avenue SE., Washington, DC 20590

Child restraint laws

March 2009

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

State	Who is covered?		Maximum fine 1st offense
	Must be in child restraint	Adult safety belt permissible	
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
	children 11 years and younger and 65 inches or less must be in rear seat if passenger airbag is active ⁵		
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 ⁶		
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 in a child restraint; 6 and younger who are between 40 and 50 inches tall in a booster seat	6 and younger who are taller than 50 inches	\$50 child restraint; \$30 booster seat
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	6 through 12 years or greater than 60 pounds	\$100
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	7 years and younger and either less than 57 inches or 65 pounds or less	8 through 15 years; children who are at least 57 inches or 65 pounds	\$25
law states no preference for rear seat			
Massachusetts	7 years and younger and less than 57 inches	8 through 12 years; children who are at least 57 inches tall	\$25
law states no preference for rear seat			
Michigan	7 years and younger and less than 57 inches	8 through 15 years; children who are at least 57 inches tall	\$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 must be in a child restraint; 4 through 6 years and either less than 57 inches or less than 65 pounds must be in a booster seat	6 years and younger who either weigh 65 pounds or more or who are 57 inches or taller	\$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 and older who weigh at least 80 pounds or who are at least 4'9" tall must be in either a booster seat or safety belt	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 ⁹	\$25 ¹
law states no preference for rear seat			
Nevada	5 years and younger and 60 pounds or less	not permissible	\$500 ¹⁰
law states no preference for rear seat			
New Hampshire	5 years and younger who are less than 55 inches	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 and younger unless they weigh more than 40 pounds and are seated where there is no available lap/shoulder belt; 4 through 6 years unless they are seated where there is no available lap/shoulder belt	7 through 15 years; children who weigh more than 40 pounds or children 4 through 6 years in a seating position where there is no available lap/shoulder belt	\$100 ¹
law states no preference for rear seat			
North Carolina	7 years and younger and less than 80 pounds	8 through 15 years + children 40-80 pounds in seats without shoulder belts	\$25 ¹
children 4 years and younger who weigh less than 40 pounds must be in the rear seat unless the front passenger airbag is deactivated or the restraint is designed for use with airbags			
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 in child restraint; 4 through 7 years who weigh 40 pounds or more and who are shorter than 57 inches in booster seat (effective 10/07/09)	8 through 14 years ¹¹ (effective 10/07/09)	\$75 ¹¹ (effective 10/07/09)
law states no preference for rear seat			
Oklahoma	5 years and younger ¹²	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 ¹³	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	7 years and younger and shorter than 57 inches	8 through 15 years; all children 57 inches or taller	\$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
	children 1 year and younger or less than 20 pounds must be in the rear seat unless the front passenger airbag is deactivated		
Virginia	7 years and younger unless they have a physician exemption ¹⁴	8-15 years ¹⁴	\$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 ¹⁴		
Washington	7 years and younger and less than 4'9"	8 through 15; 7 years and younger and 4'9" or taller; children who weigh more than 40 pounds in a seating position where there is only a lap belt available	\$124
	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
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children 3 and younger must be in a rear seat, if available

Wyoming	8 years and younger	not permissible	\$50
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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.

⁹Nebraska'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.

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

¹¹In Ohio, the law is secondary for children 4 through 14 years.

¹²In 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.

¹³In Pennsylvania, the law is secondary for children ages 4 through 7 years who must be in booster seats.

¹⁴In Virginia, children 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.

Dealing in safety

Auto dealers to promote child passenger safety

BY JOSH MAX

Wednesday, August 29th 2007, 4:00 AM

More than 40,000 automobile passengers under age 4 are injured or killed in car crashes annually, according to the National Highway Traffic Safety Administration (NHTSA). To get those numbers down, car dealers will run their annual education and inspection campaign throughout the month of September, which has been dubbed Child Passenger Safety month. Participating dealers will hold free child safety seat inspections at their showrooms as part of a national "Boost for Safety" campaign developed by the National Automobile Dealers Association (NADA) in partnership with NHTSA.

The September initiative coincides with the back-to-school period, when millions of kids will be on the roads each day.

"This will be the fifth consecutive year that we've sponsored a national child safety seat campaign," said Dale Willey, NADA chairman. "So far, dealers have checked more than 1 million seats and found nine out of 10 seats either improperly installed or in need of replacement." The organization said more than 50,000 children between 4 and 8 years old are injured or killed each year while riding in cars, and that approximately 40% of children under the age of 8 who die or suffer serious injuries in car crashes are completely unbelted.

For the uninitiated or expectant parents, there are two types of booster seats: a high-back booster and a low-back booster. A high-back booster seat uses the vehicle's lap/shoulder belt and provides head and neck support for the child if the car does not have a built-in head restraint. A low-back booster seat is for use in vehicles that have a built-in head restraint. This type of booster seat is also used with the lap/shoulder belt to properly secure the passenger.

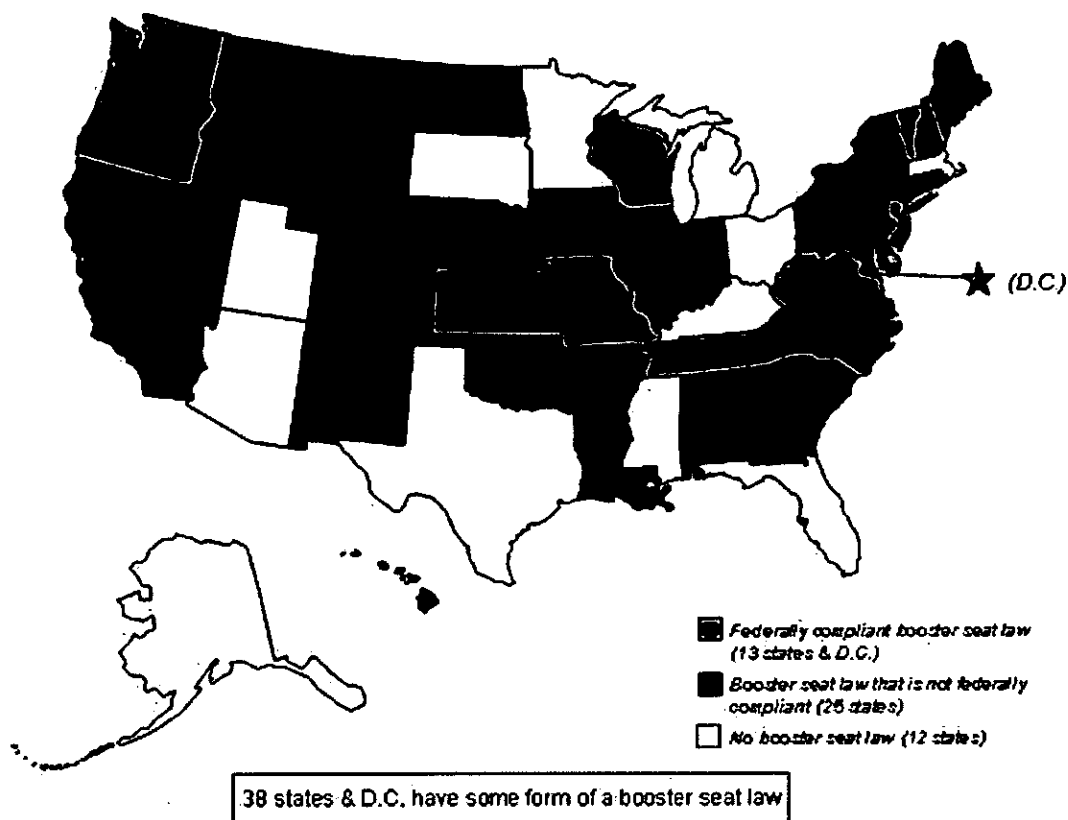
To find a participating auto dealer in your neighborhood, go to www.nada.org/boostforsafety. And for more tips on child safety, visit www.nhtsa.dot.gov.

NADA offers the following guidelines:

- From birth to at least 1 year old and at least 20 pounds, children should be secured in the back seat in a rear-facing infant seat.
- Children between the ages of 1 and 4, weighing 20-40 pounds, should be secured in the back seat in a forward-facing toddler seat.
- Kids between the ages of 4 and 8 (or 40 to 80 pounds, unless 4 feet, 9 inches) should be properly restrained in the back seat in belt-positioning booster seats.



States with Booster Seat Laws January 2008



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Denver Office: Tel: 303-364-7700 | Fax: 303-364-7800 | 7700 East First Place | Denver, CO 80230 | Map

Washington Office: Tel: 202-624-5400 | Fax: 202-737-1069 | 444 North Capitol Street, N.W., Suite 515 | Washington, D.C. 20001



The Evolution of the Child Safety Seats



Online Extra

1962—The first safety seat for children was invented in England by Jean Ames. The design has straps that hold the padded seat against the rear passenger seat. Within the seat, the child is restrained by a Y-shaped harness slips over his head and shoulders and fastens between the legs.

1971—The National Highway Traffic Safety Administration (NHTSA) adopts the first federal standard for child seating systems. It requires the use of a safety belt to hold the car seat and a harness to hold the child in it. The standard does not cover rear-facing infant restraints or car beds.

1978—First child passenger restraint law goes into effect in Tennessee.

1981—Rhode Island becomes second state to pass a mandatory passenger restraint law.

1985—All states and the District of Columbia have some version of a child passenger restraint law.

1986—A NHTSA study shows that correctly used child restraint systems are 71 percent effective at reducing fatalities and 67 percent effective at reducing serious injuries. If the restraints are partially misused, effectiveness is reduced by 44 percent.

1993—Passenger air bags begin to be installed in increasing numbers. In April, the first child—a 6-year-old riding unbelted—is killed by a passenger air bag.

1996—NTSB concludes that passenger side air bags as designed are not acceptable as a protective device for children.

1999—1,997 children under 13 die in motor vehicle accidents, representing a 46 percent decline from the 3,643 deaths in 1975.

2000—Washington becomes the first state to pass a booster seat law requiring older children to be secured in safety seats. The law is named the Anton Skeen Act, after a 4-year-old boy who was ejected and killed in a car crash.

2002—Congress passes Anton's Law, which directs NHTSA to improve federal standards for child vehicle restraint systems. The law extends safety standards to children who weigh more than 50 pounds, typically children 4 to 8 years old.

2004—Child restraints save the lives of 451 children 4 and under. Among passengers over 4 years old, safety belts save an estimated 15,434 lives.

2008—This year marks the 30th anniversary of the first child passenger restraint law.

Map of Booster Seat Laws

Appendix C. State Laws on Child Restraint Use			
State/Jurisdiction	Must Be in Child Restraint	Adult Safety Belt Permissible	Maximum Fine First Offense
Alabama	Younger than 1 year or less than 20 lbs. must be in a rear-facing infant seat; 1 through 4 years or 20-40 lbs. in a forward-facing child safety seat; age 5 but not yet age 6 in a booster seat	6 through 14 years. Law states no preference for rear seat	\$25 ¹
Alaska	3 years and younger	4 through 15 years Law states no preference for rear seat	\$50 ¹
Arizona	5 years and younger	Not permissible.	\$50
Arkansas	5 years and younger and less than 60 lbs.	6 through 14 years or 60+ lbs. Law states no preference for rear seat	\$100
California	Younger than 1 year or less than 20 lbs. or in a rear-facing restraint system in rear seat only if front passenger air bag is active; 5 years and younger or less than 60 lbs. in a rear seat ²	6 through 15 years or 60+ lbs.	\$100 ¹
Colorado	Younger than 1 year and less than 20 lbs. in a rear-facing infant seat; 1 through 4 years and 20-40 lbs. 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 and 55 inches or more Law states no preference for rear seat.	\$50
Connecticut	Younger than 1 year or less than 20 lbs. in rear-facing restraint; 1 through 6 years who is less than 60 lbs. in a child restraint system (booster seats may be used only in a seating position that has a lap and shoulder belt)	7 through 15 years and 60+ lbs. Law states no preference for rear seat. ⁴	\$60 ⁴
Delaware	7 years and younger and less than 66 lbs. ⁵	7 through 16 years or 60+ lbs. ⁵ Law states no preference for rear seat.	\$25
Florida	3 years and younger	4 through 5 years Law states no preference for rear seat.	\$60 ¹
Georgia	5 years and younger and 57 inches or less; must be in rear seat if available ⁶	More than 57 inches	\$50 ¹
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 lbs. seated in a rear seat where if there are no available lap/shoulder belts, may be restrained by a lap belt Law states no preference for rear seat.	\$100 ⁷
Idaho	6 years and younger	Not permissible	\$100

Illinois	7 years and younger, children who weigh more than 40 lbs. seated in rear where only a lap belt is available.	8 through 16 years Law states no preference for rear seat.	\$50
Indiana	7 years and younger when driver holds Indiana license ^a	8 through 15 years Law states no preference for rear seat.	\$25 ¹
Iowa	Younger than 1 year and less than 20 lbs. in a rear-facing seat; 1 through 5 years front facing child restraint	6 through 10 years Law states no preference for rear seat.	\$25
Kansas	All children 3 years and younger must be in a child restraint; children 4 through 7 years who weigh less than 80 lbs. and children 4 through 7 years who are less than 57 inches tall must be in a child restraint or booster seat	All children 8 through 13; children 4 through 7 who weigh more than 80 lbs.; children who are taller than 57 inches Law states no preference for rear seat.	\$20
Kentucky	40 inches or less	Not permissible	\$50
Louisiana	Younger than 1 year or less than 20 lbs. in a child safety seat; 1 through 3 years or 20-39 lbs. in a forward-facing safety seat; 4 through 5 years or 40-60 lbs. in a child booster seat; under age 6 and under 60 lbs. must be in rear seat if available	6 through 12 years or more than 60 lbs. Law states no preference for rear seat.	\$50
Maine	Less than 40 lbs. in a child safety seat; 40-80 lbs. and less than 8 years in a safety system that elevates the child so that an adult seat belt fits properly; 11 years and younger and less than 100 lbs. must be in rear seat if available	8 through 17 years or less than 18 years and more than 4'7"	\$50
Maryland	5 years and younger or 40 lbs. or less ⁹	6 years and more than 40 lbs. through 15 years Law states no preference for rear seat.	\$25
Massachusetts	4 years and younger or 40 lbs. and less	5 through 11 years Law states no preference for rear seat.	\$25
Michigan	3 years and younger	Not permissible	\$10
Minnesota	3 years and younger	Not permissible	\$50
Mississippi	3 years and younger	Not permissible	\$25
Missouri	3 years and younger must be in child restraint; all children who weigh less than 40 lbs. must be in a child restraint; 4 through 7 years who weigh at least 40 lbs. but less than 80 lbs. and who are 4'9" or shorter must be in either a CR or booster seat; children 4 years and older who weigh at least 80 lbs. or who are at least 4'9" tall must be	All children 8 through 16 years; all children who weigh 80 lbs. or more or who are 4'9" tall or more Law states no preference for rear seat.	\$10 for violations involving children taller than 4'9" or who weigh more than 80 lbs.

	in either a booster seat or safety belt		
Montana	Younger than 5 years and less than 60 lbs.	Not permissible	\$100
Nebraska	5 years and younger	6 through 17 years ¹⁰ Law states no preference for rear seat.	\$25 ¹
Nevada	5 years and younger and 60 lbs. or less	Not permissible	\$100 ¹¹
New Hampshire	5 years and younger and less than 55 inches	6 through 17 years or less than 18 years and more than 55 inches Law states no preference for rear seat.	\$25
New Jersey	7 years and younger and less than 80 lbs. seated in rear seat if available	Not permissible	\$25
New Mexico	Younger than 1 year in a rear-facing infant seat, seated in the rear seat if available; children 1 through 4 years or less than 40 lbs.; 5 through 6 years or less than 60 lbs. in booster seat	7 through 17 years	\$25
New York	6 years and younger in all seats	4 through 15 years; 7 through 15 years Law states no preference for rear seat.	\$100 ¹
North Carolina	7 years and younger and less than 80 lbs. ¹²	8 through 15 years and children 40-80 lbs. in seats without shoulder belts Law states no preference for rear seat.	\$25 ¹
North Dakota	6 years and younger and less than 57 inches or less than 80 lbs.	7 through 17 years; 6 years and younger and at least 57 inches tall and at least 80 lbs.; 6 years and younger and at least 40 lbs.; if there are no available lap/shoulder belt, may be restrained by lap belt only Law states no preference for rear seat.	\$25 ¹
Ohio	3 years and younger or less than 40 lbs.	4 through 14 years ¹³ Law states no preference for rear seat.	\$100 ¹
Oklahoma	5 years and younger ¹⁴	6 through 12 years Law states no preference for rear seat.	\$25
Oregon	Child younger than 1 year or 20 lbs. must be in a rear facing child safety seat; 40 lbs. or less must be in child safety seat; more than 40 lbs. but 4' 9" or less must be in a safety system that elevates the child so that an adult seat belt fits properly.	Children taller than 4 feet 9 inches Law states no preference for rear seat.	\$75
Pennsylvania	7 years and younger ¹⁵	Not permissible	\$100

Rhode Island	6 years and younger and less than 54 inches and 80 lbs.; children 6 years and younger must be in rear seat if available	Under 18 years who weigh 80 lbs. or more or who are taller than 54 inches	\$75
South Carolina	Younger than 1 year or less than 20 lbs. in a rear-facing infant seat; 1 through 5 years and 20-39 lbs. in a forward-facing child safety seat; 1 through 5 years and 40-80 lbs. in a booster seat secured by lap-shoulder belt; children 5 years and younger must be in rear seat if available	1 through 5 years and 80+ lbs. 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
South Dakota	4 years and younger and less than 40 lbs.	5 through 17 years; all children 40+ lbs., regardless of age Law states no preference for rear seat.	\$20
Tennessee	Younger than 1 year or less than 20 lbs. in a rear-facing infant seat; 1 through 3 years and 20+ lbs. in a forward-facing infant seat; 4 through 8 years and less than 5' in a booster seat; children 8 years and younger and less than 5' must be in a rear seat if available	9 through 15 years or 12 years and younger and 5' or more	\$50
Texas	4 years and younger or less than 36 inches	Not permissible	\$200
Utah	4 years and younger	5 through 15 years Law states no preference for rear seat.	\$45
Vermont	Younger than 1 year or less than 20 lbs. in a rear-facing infant seat; 2 through 7 years and more than 20 lbs. in child restraint	8 through 15 years and more than 20 lbs. Law states no preference for rear seat.	\$25
Virginia	7 years and younger unless they have a physician exemption. Children in rear-facing devices must be in rear seat in available, if not available, they may be placed in front only if passenger airbag is deactivated.	8 through 15 years ¹⁶	\$50
Washington	Younger than 8 years and less than 4'9" (effective 6/1/07); 12 years and younger must be in rear seat if practical	8 through 15 years; younger than 8 and 4 feet or taller (effective 6/1/07)	\$86
West Virginia	7 years and younger or less than 4'9"	7 years and younger and 4'9" and taller Law states no preference for rear seat.	\$20
Wisconsin	Children younger than 1 and all children who weigh less than 20 lbs. are required to be in a rear-facing infant seat; children 1 through 3 years who weigh at least 20 lbs. but less than 40 lbs. are required to be in a forward-facing	8 years and younger and more than 80 lbs. and 57" or taller	\$75

	child safety seat; children 4-7 who weigh at least 40 lbs. but less than 80 lbs. and who are less than 57" tall are required to be in a booster seat; children 3 and younger must be in a rear seat if available		
Wyoming	8 years and younger; must be in rear seat if available	Not permissible	\$50
District of Columbia	7 years and younger	8 through 15 years Law states no preference for rear seat.	\$75
Puerto Rico	4 years and younger	4 years and older	\$100
U.S. Virgin Islands	5 years and younger	Children ages 3 through 5 may be restrained by only a seatbelt if they are in the rear seat.	\$100

Notes:

1. This state assesses points for violations.
2. In California, children weighting 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 weights less than 20 pounds or is riding in a rear-facing child restraint system.
3. In 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.
4. The 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.
5. In 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.
6. In 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.
7. Hawaii drivers are charged \$50 for a mandatory child restraint education program and \$10 surcharge deposited into a neurotrauma special fund.
8. In 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, the children under 16 must be restrained by either a child restraint or a safety belt. Children weighting 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.
9. In 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.
10. Nebraska'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.
11. In Nevada, the minimum fine is \$100. An alternative to the fine is at least 10 but not more than 50 hours of community service.
12. In 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 of use with airbags.
13. In Ohio, the law is secondary for children 4 through 14 years.
14. In 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.
15. In Pennsylvania, the law is secondary for children ages 4 through 7 years who must be in booster seats.
16. Children at least 4 years but less than 8 years may be belted if any licensed physician determines that use of 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.

17.

Source: Insurance Institute for Highway Safety, AAA and NCSL, 2007.

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sysop@wtsc.wa.gov

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PROGRAMS

Child Passenger Safety

Overview

The goal of the Child Passenger Safety Program at the WTSC is to save the lives of and prevent injuries to children in Washington and to increase compliance with Washington's seat belt and child restraint laws.

To reach this goal the WTSC provides technical assistance, training, materials and other resources to child passenger safety teams and advocates throughout the state.

[Download and print child passenger safety educational and activity materials](#)

Issues

Traffic crashes are the leading cause of death for children in Washington. Over 85% of all child passenger restraint devices are misused, yet 60% of all children killed in traffic crashes were completely unrestrained.

If you need to have your child car seat checked for correct installation, please contact your local [Child Passenger Safety Team](#) or contact the Safety Restraint Coalition at (800) BUCK-L-UP (282-5587.)

Safety Guidelines &

Recommendations

Washington's Child Passenger Safety Law - Overview

- Children are required to be properly restrained in booster seats until their eighth birthday, unless they are 4' 9" tall or taller, when both lap and shoulder belts are available.
- Children under age thirteen (13) are required to ride in the back seat of a vehicle where practical to do so.

[Click here to view Washington's Booster Seat Law - Effective June 1, 2007](#)

National Highway Traffic Safety Administration and American Academy of Pediatrics "Best Practice" Recommendations

- Infants need to remain rear facing until at least one year AND at least 20 lbs.
- Keep the child in the convertible seat as long as they fall within the height/weight recommendations for the seat. Be careful not to graduate your child to the next seat too soon.
- Booster seats, used with lap and shoulder belts, are recommended until the child's eighth birthday unless they are 4' 9" tall. Be cautious not to graduate your child to a seat belt too soon.
- Children 13 and under are safer in the back seat regardless of the presence of an air bag.
- Always follow the manufacturers instructions and guidelines for both the safety seat and the vehicle.

Educational and Activity Materials

These materials can be downloaded, printed, and distributed as needed for educational purposes

[English and Spanish Car Seat Flier](#)

["The Love Seat" Booster Seat Poster](#)

[Guidelines for Parents To Keep Your Child Safe -](#)

[Poster](#)

[Parents Could Get A Ticket - Booster Seat Law Poster](#)

[Kids Coloring Pages with Car Seat and Booster Seat Tips](#)

[Kids Activity Place Mat Reminding Everyone to Buckle Up](#)

[Child Passenger Safety Quick Reference Card for Law Enforcement Officers](#)

Resource Information

[Seat Belt Use Rates By County](#)

[Contact Information](#)

[Fact Sheets](#)

[News Releases](#)

Watch traffic safety educational videos and ads on YouTube. Visit www.youtube.com/trafficsafety

[Child Passenger Safety Links](#)

Washington Safety Restraint Coalition
www.800buckleup.org
(800) BUCK-L-UP (282-5587)
or in Kirkland, WA (425) 828-8975
Email: office@800buckleup.org

Washington State Auto Dealers Association (WSADA) teamed up with WTSC to promote child passenger safety and [Washington's Booster Seat Law - Effective June 1, 2007.](#)

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Last updated on 04/09/2009 13:42:06

Senator Hollis French

Capitol Room 417
465-3892
465-6595 fax



MEMORANDUM

Date: March 24, 2009
To: Representative Bob Lynn, Chair
House State Affairs Committee
From: Senator Hollis French
RE: SB 72 – List of Potential Witnesses

Gordon Glaser, Education Specialist/Safe Kids Liaison
State of Alaska, Division of Public Health

Cindy Cashen, Administrator
Alaska Highway Safety Office

Nancy Barros
Health Program Manager II, Division of Public Health

Jill Hodges, Executive Director
Alaska Brain Injury Network

Margaret (Peggy) Hayashi, R.N.
Private Citizen

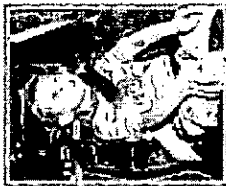
Jon Cook, Legislative Director
Alaska Auto Dealer's Association

Different kinds of Booster Seats



High back booster with 5-point harness

- For a child about 35 to 80 lbs
- This booster seat provides head and neck protection in back seats without head restraints. The 5-point harness provides full body protection. The harness can be used until a child reaches 40 lbs. The removable harness converts the booster seat to a belt-positioning booster in which a child uses the vehicle lap and shoulder belts for restraint.



Belt-positioning booster

- For a child 40 to 80 lbs
- The child sits in the booster seat and uses the vehicle lap and shoulder belts for restraint. Lap and shoulder belts together offer better protection than lap belts only.



Shield booster

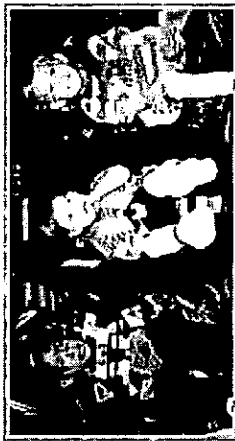
- Some of these boosters have removable shields. When the shield is removed, the booster seat becomes a belt-positioning booster using the vehicle lap and shoulder belts for restraint. Never allow a child to sit in the booster seat without the shield while using only the lap belt. (Without shield for a child from 40 to 80 lbs)
- A shield booster seat, with the shield in place, is recommended for use when only a lap belt exists in the back seat. (For a child with maximum weight of 40 lbs)



Buying a booster seat

- All booster seats are required by law to comply with the same standards and guidelines as child safety seats.
- When buying a booster seat, make sure that it has a label stating: This child restraint system conforms to all applicable U.S. Federal Motor Vehicle Safety Standards.
- Never use a booster seat that has been in a crash. The seat may have defects that are not visible.

All children ages 12 and under should sit in the back seat, properly restrained whenever possible. It's safer!



Child seats improve continually. Visit the NHTSA Web site at www.nhtsa.dot.gov or call the DOT Auto Safety Hotline toll free at 1-888-DASH-2-DOT (1-888-327-4236) for the most current information.

Children who should use a booster seat

- For maximum protection, keep a child in a forward-facing child safety seat with full harness as long as the child fits in this seat. (See the instructions for your child safety seat for best fit.)
- A child who weighs between about 35 and 80 lbs
- A child who has outgrown a convertible child safety seat
- Usually a child who is about 4 to 8 years old and is at least 35" tall
- A child who cannot sit with his or her back straight against the vehicle seat back cushion or who cannot sit with knees bent over a vehicle's seat edge without slouching

Reasons to use a booster seat

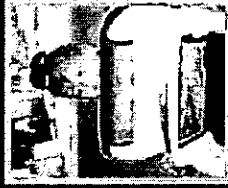
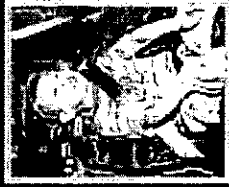
- Generally, a child who is 4 to 8 years old is not big enough for lap and shoulder belts alone.
- A booster seat fills the gap between a convertible child safety seat and the vehicle lap and shoulder belt.
- The booster seat raises the child so the vehicle lap and shoulder belt fits well: the lap belt rests low across the upper thighs, and the shoulder belt rests snugly on the shoulder across the chest.
- Properly fitting lap and shoulder belts reduce the potential for belt-induced injury which can occur when a lap belt is a child's only restraint.

Installing a booster seat

- Read the booster seat instructions and your vehicle owner's manual before installing the booster seat.
- If the vehicle has only lap belts in the back seat, you may want to consider having shoulder belts installed by a dealer or repair facility. Most vehicle manufacturers offer retrofit shoulder belt kits for this purpose.

Remember

- All children ages 12 and under should sit, properly restrained in the back seat whenever possible. It's safer!
- Never use just a lap belt across a child sitting in a belt-positioning booster.
- Never put the shoulder belt behind a child's arm or back because it eliminates the protection for the upper part of the body and increases the risk of severe injury in a crash.
- Never use pillows, books, or towels to boost a child. They can slide around.
- State child passenger safety laws apply to infant, convertible, and booster child safety seats.



A Parent's Guide to Booster Seats



U.S. Department of Transportation

DOT HS 808 671
February 1998

based on additional information noted herein, the Administrator has determined that the random drug testing rate shall remain at 50 percent for 2006.

The Department has noted the proliferation of products to defraud the USDOT urine screens. Congressional hearings on these products and the GAO Report of 17 May 2005 are indicative of the potential adverse impact these products marketed as adulterate specimens may have on reported random rates and the reliability of those results.

The Secretary of Transportation's Office of Drug & Alcohol Policy & Compliance (ODAPC) has proposed to amend 49 CFR part 40 to require specimen validity tests for all urine specimens collected pursuant to part 40. The Department proposes that each DOT specimen be tested for products that can be used to adulterate and substitute a urine specimen (70 FR 209 October 31, 2005). The Department would require each HHS-certified laboratory to conduct specimen validity testing. This will have the effect of identifying more adulterated and substituted urine specimens and enhance the reliability of test results. The Department believes the safety concerns associated with random testing warrant a one year delay in order to analyze reported random rates after SVT testing has been implemented.

In 2005, the FTA retained the random alcohol testing rate of 10 percent (reduced previously from 25 percent) based on the "positive rate" for random alcohol test data from 2003 and 2004. Because the random alcohol violation rate was again lower than 0.5 percent for the two preceding consecutive years (0.20 percent for 2003 and 0.11 percent for 2004), the random alcohol testing rate will remain at 10 percent for 2006.

FTA detailed reports on the drug and alcohol testing data collected from transit employers may be obtained from the Office of Safety and Security, Federal Transit Administration, 400 Seventh Street, SW., Room 9301, Washington, DC 20590, (202) 366-2896 or at <http://transit-safety.volpe.dog.gov/Publications>.

Issued on: January 24, 2006.

Sandra K. Bushue,
Deputy Administrator.

[FR Doc. 06-859 Filed 1-30-06; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2006-23628]

Child Safety and Child Booster Seats Incentive Grants

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Announcement of grants for child safety and child booster seats.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) announces a grant program under Section 2011 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act—A Legacy of Users (SAFETEA-LU) to implement programs to purchase and distribute child restraints, support enforcement of child restraint laws, train child passenger safety professionals concerning all aspects of child restraint use, and educate the public concerning the proper use and installation of child restraints. This notice solicits applications from the fifty States, the District of Columbia, and Puerto Rico.

DATES: Applications must be received by the office designated below on or before July 1 of the applicable fiscal year.

ADDRESSES: Applications must be submitted to the appropriate National Highway Traffic Safety Administration Regional Administrator.

FOR FURTHER INFORMATION CONTACT: For program issues: Judy Hammond, Injury Control Operations and Resources, NTI-200, telephone (202) 366-2121, fax (202) 366-7394. For legal issues: David Bonelli, Office of Chief Counsel, NCC-113, telephone (202) 366-1834, fax (202) 366-3820, NHTSA, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Background

Incentive Grants for Child Safety Seats and Child Booster Seats

Section 2011 of SAFETEA-LU (Pub. L. 109-59) establishes an incentive grant program for child safety seats and child booster seats. To qualify for grant funds, States must "enforc[e] a law requiring that any child riding in a passenger motor vehicle in the State who is too large to be secured in a child safety seat be secured in a child restraint that meets the requirements prescribed by the Secretary under section 3 of Anton's Law." Prior to Anton's Law, NHTSA's performance requirements for child safety seats covered children weighing

only up to 50 pounds.¹ Anton's Law (Pub. L. 107-318) was enacted to improve the safety and use of child restraints for children between the ages of 4 and 8. To accomplish these purposes, Congress directed the Department of Transportation, in Section 3 of Anton's Law, to make Federal performance requirements applicable to child restraints recommended for children weighing more than 50 pounds. On June 3, 2003, pursuant to this mandate, NHTSA published a final rule setting performance requirements for child restraints recommended for children weighing up to 65 pounds.²

The Section 2011 grant program advances the purposes of Anton's Law by awarding funds to States that extend their child restraint laws to cover children who are too large to fit in child safety seats. Based on the final rule promulgated under Section 3 of Anton's Law, Section 2011 requires States to enforce child restraint laws whose coverage extends to children weighing up to 65 lbs.

Virtually all State child restraint laws use the age of the child as a means of specifying the children required to be secured in child restraints. However, not all State laws use the weight of the child in defining coverage. Moreover, enforcing a child restraint law based on the age of the child is likely to be more practicable for State and local enforcement officials. For these reasons, we are defining our grant criteria according to the age that correlates to a 65-pound child. According to the most recent U.S. Department of Health & Human Services (DHHS) publication on average body weight for children, the average weight of a 7-year-old child is 59.8 pounds and the average weight of an 8-year-old child is 72 pounds.³ On the basis of this information, we have selected 7 years old as the age that is reasonably representative of a 65-pound child for the purposes of this grant program.

Minimum Requirements for a Grant

To qualify for a grant under this program, therefore, a State must enact

¹ These performance requirements were established using a 6-year-old child dummy. The weight of the dummy is 51.6 pounds. According to U.S. Department of Health & Human Services statistics, 51.7 pounds is the average weight of a 6-year-old child. Cynthia L. Ogden, Ph.D., et al, U.S. Department of Health and Human Services, Mean Body Weight, Height, and Body Mass Index, United States 1960-2002 (2004).

² The 2003 performance requirements were established using a 6-year-old child dummy modified through the addition of weight (10.4 pounds) to represent approximately the weight of an 8-year-old child.

³ OGDEN, supra note 1, at 3.

and enforce a law requiring that any child riding in a passenger motor vehicle (*i.e.*, a passenger car, pickup truck, van, minivan or sport utility vehicle) who is under 8 years of age be secured in a child restraint. A child restraint includes a child safety seat, as defined in 23 U.S.C. 405(f), and a booster seat, as defined in 49 CFR 571.213. The State child restraint law must allow enforcement officials to stop or detain a passenger motor vehicle and issue a citation upon observation that a child under 8 years of age is not properly secured in a child restraint, without the need for probable cause to believe that another violation has been committed.

Reading Section 2011 in conjunction with the findings under Anton's Law (Section 2), it is clear that Congress intended States to have continuous coverage for all children subject to the safety restraint requirement. Therefore, 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 of age (*e.g.*, gaps between coverage by a child safety seat and a booster seat). Such gaps would be incongruous with the purpose of the grant program. Finally, while all States define coverage under their child restraint laws according to the age of the child, several States include weight and/or height requirements. These laws typically permit children who have attained a certain weight or height to be exempted from child restraint requirements regardless of age. Consistent with the final rule published under Section 3 of Anton's Law, a State law covering children under 8 years of age, but excluding children who have attained a weight in excess of 65 pounds, will not be deemed ineligible under this grant program. In addition, consistent with long-standing NHTSA guidance on booster seat usage, a State law covering children under 8 years of age, but excluding children who have attained a height of 4 feet, 9 inches or taller will not be deemed ineligible under this grant program.

Exemptions

While NHTSA does not require or encourage the adoption of exemptions, the agency notes that many existing child restraint laws contain a number of exemptions. The agency believes that the Section 2011 program's goal of increasing the use of child restraints would not be served by denying a grant to States whose laws contain exemptions, without regard to the nature of those exemptions. On the other hand, some exemptions would so severely undermine the safety

considerations underlying the grant program as to render a State whose law contains such exemptions ineligible for a grant. The agency will review each State's child restraint law to determine the acceptability of any exemptions. In keeping with NHTSA's practice in 1998 to implement the Section 405 grant program under the Transportation Equity Act for the 21st Century (TEA-21), the agency has reviewed existing child restraint laws and has determined that the following exemptions are not incompatible with the requirements of SAFETEA-LU:

- Children with medical conditions who are unable to use a child restraint, provided there is written documentation from a physician;
- Children riding in a passenger motor vehicle that is not required to be equipped with safety belts.

The agency has accepted these exemptions by long-standing application in safety belt grant programs. A State that enacts a law with any exemption other than these should anticipate that the agency will review the exemption to determine whether its impact on traffic safety is minimal and it is, therefore, acceptable.

Eligibility

Each of the fifty United States, the District of Columbia and Puerto Rico ("States") may submit an application under this program.

Application Procedures

First Year Requirements

To apply for grant funds, a State must submit the certifications required by Appendix 1, signed by the Governor's Representative for Highway Safety, to the appropriate NHTSA Regional Administrator no later than July 1 of the fiscal year.

Subsequent Year Requirements

To demonstrate compliance with this criterion in subsequent years a State receives grant funds:

- (a) If the State's law has not changed, the State must submit the certifications required by Appendix 2, signed by the Governor's Representative for Highway Safety, to the appropriate NHTSA Regional Administrator no later than July 1 of the fiscal year.
- (b) If the State's law has changed, the State must submit the certifications required by Appendix 1, signed by the Governor's Representative for Highway Safety, to the appropriate NHTSA Regional Administrator no later than July 1 of the fiscal year.

A State seeking to determine whether an existing or proposed child restraint

law qualifies under the grant program may submit its law prior to July 1 for preliminary review by the agency.

Award Procedures

Each fiscal year (FY), a grant will be made to an eligible State upon submission and approval of the application required by this notice. As specified by SAFETEA-LU, the amount of a grant to a State in each fiscal year shall not exceed 25 percent of the amount apportioned to the State for FY 2003 under 23 U.S.C. 402. The release of grant funds shall be subject to the availability of funding for that fiscal year. As required by SAFETEA-LU, in the first 3 fiscal years for which a State receives a grant, it shall be reimbursed for up to 75 percent of the costs of programs and activities authorized by Section 2011(d) of SAFETEA-LU, and in the fourth fiscal year for which a State receives a grant, it shall be reimbursed for up to 50 percent of the costs of programs and activities authorized by Section 2011(d) of SAFETEA-LU.

Use of Grant Funds

As specified by SAFETEA-LU, eligible uses of grant funds may include any of the following:

1. Programs for Purchasing and Distributing Child Restraints to Low-Income Families

States may use grant funds for programs to purchase and distribute child restraints to low-income families. However, as required by SAFETEA-LU, not more than 50 percent of the funds received in a fiscal year may be used for these programs. The child restraints purchased and distributed must be certified to meet applicable Federal Motor Vehicle Safety Standards. Low income is calculated at 185 percent of the Federal poverty level. A certified child passenger safety technician/instructor should supervise all child restraint distribution programs and ensure that adequate training based on the Standardized Curriculum is provided to those distributing the selected seats. The certified child passenger safety technician/instructor should also ensure that appropriate training is provided to the recipients of the seats.

2. Programs to Support Enforcement of Child Restraint Laws

States may use grant funds to carry out a program to support enforcement of child restraint laws. A successful enforcement program should increase enforcement efforts during national high-visibility law enforcement

mobilization campaigns and Child Passenger Safety (CPS) week.

3. Programs To Train Child Safety Professionals, Police Officers, Fire and Emergency Medical Personnel, Educators, and Parents Concerning All Aspects of the Use of Child Restraints

States may use grant funds to carry out a program to train child passenger safety professionals, police officers, fire and emergency medical personnel, educators, parents, and caregivers concerning all aspects of the use of child restraints. When training participants to become national Child Passenger Safety Technicians and/or Instructors, States must use the NHTSA Standardized Child Passenger Safety Training Program with training certification through the national certifying body. States are encouraged to conduct Child Passenger Safety awareness training using NHTSA approved courses.

4. Programs To Educate the Public Concerning the Proper Use and Installation of Child Restraints

States may use grant funds to carry out a program to educate the public concerning the proper use and installation of child restraints. States should develop and sustain a cadre of current nationally certified Child Passenger Safety Technicians to serve the public by staffing inspection stations/check-up events/clinics. States should distribute public information and education materials to the public. States should use NHTSA-developed materials that provide information on all the "steps" of child restraints, including infant seats, convertible seats, forward-facing seats, booster seats and safety belts, and should include information on selection, direction, installation and location.

Financial Requirements

Within 30 days after notification of an award, but in no event later than September 12, a State must submit electronically to the agency a Program Cost Summary (HS Form 217) obligating the funds to this program. A Program Cost Summary is necessary to ensure proper accounting for the Federal funds and is a precondition to receiving grant funds. Additionally, each fiscal year until all grant funds are expended, the State must document how it intends to use the funds in the Highway Safety Plan it submits pursuant to 23 U.S.C. 402 (or in an amendment to that plan).

Reporting Requirements

A State that receives a grant is required by SAFETEA-LU to submit a

report describing how funds were obligated and expended. Each fiscal year until all Child Restraint grant funds are expended, a State must include this report in the Annual Report it submits for its highway safety program pursuant to 23 CFR 1200.33. For each of the eligible uses of grant funds selected by the State, include the following:

1. For programs to purchase and distribute child restraints for low-income families:
 - a. A description of the programs used to purchase and distribute child restraints for low-income families.
 - b. The number of child restraints distributed.
2. For programs to support enforcement of child restraint laws:
 - a. A description of the programs used to support enforcement of child restraint laws.
 - b. A list of participating law enforcement agencies and the counties they serve.
3. For programs to train child passenger safety professionals:
 - a. A description of the training classes conducted and the curricula used to train individuals and groups.
 - b. The number and location of training classes conducted and the individuals or groups trained.
 - c. The number of child passenger safety technicians certified.
4. For programs to educate the public:
 - a. A description of the programs used to educate the public concerning the proper use and installation of child restraints.
 - b. A list of child restraint inspection stations/check-up events/clinics, including their locations.
 - c. An estimate of the number of child restraints checked at inspection stations/check-up events/clinics.

APPENDIX 1—CHILD RESTRAINT PROGRAM CERTIFICATION FORM—NEW OR CHANGED LAW

State: _____
 Fiscal Year: _____
 I hereby certify that the child restraint law, available at

(include legal citations to all relevant provisions)

- is (check one):
- in effect and being enforced,
 - will be in effect on

 (date)
 and will be enforced on

 (date)
 and that the State (or Commonwealth) of:

- will use the child restraint grant funds awarded exclusively to implement

- programs in accordance with the requirements of Section 2011(d) of SAFETEA-LU, Pub. L. 109-59;
- will administer the child restraint grant funds in accordance with 49 CFR Part 18;
 - will provide to the NHTSA Regional Administrator a report describing the activities executed with child restraint grant funds and the accomplishments of the fiscal year; and
 - will maintain its aggregate expenditures from all other sources for child restraint programs at or above the average level of such expenditures in State or Federal fiscal years (FY) 2003 and 2004.

Governor's Highway Safety Representative
 Date: _____

APPENDIX 2—CHILD RESTRAINT PROGRAM CERTIFICATION FORM—UNCHANGED LAW

State: _____
 Fiscal Year: _____

I hereby certify that the State (or Commonwealth) of

- is enforcing a child restraint law that has been approved by NHTSA to conform to the requirements of Section 2011(d) of SAFETEA-LU, Pub. L. 109-59 and that has remained unchanged since that approval;
- will use the child restraint grant funds awarded exclusively to implement programs in accordance with the requirements of Section 2011(d) of SAFETEA-LU, Pub. L. 109-59;
- will administer the child restraint grant funds in accordance with 49 CFR Part 18;
- will provide to the NHTSA Regional Administrator a report describing the activities executed with child restraint grant funds and the accomplishments of the fiscal year; and
- will maintain its aggregate expenditures from all other sources for child restraint programs at or above the average level of such expenditures in State or Federal fiscal years (FY) 2003 and 2004.

Governor's Highway Safety Representative
 Date: _____

Issued on: January 25, 2006.

Jacqueline Glassman,
Deputy Administrator.
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