

SB

72

Senator Hollis French

Capitol Room 417
465-3892
465-6595 fax



MEMORANDUM

Date: 2/10/2009

To: Senator Linda Menard, Chair
Senate State Affairs Committee

From: Senator Hollis French *LHF*

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

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

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

Attachments

2/17/09 - Andy Moderow, Sen. French's office, called + said that he will request a blank CS from legal^{today} to change the wording on bill to 20#s or over

Alaska State Legislature



Senator Hollis French

Sponsor Statement

SB 72 - Child Safety Seats and Seat Belts

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

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

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

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

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

26-LS0376R
Luckhaupt
2/18/09

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

BY

Offered:
Referred:

Sponsor(s): SENATORS FRENCH, Paskvan

A BILL
FOR AN ACT ENTITLED

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

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

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

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

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

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

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

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

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

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

SENATE BILL NO. 72

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY SENATOR FRENCH

Introduced: 1/21/09

Referred: Transportation, State Affairs

A BILL

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7 THE] child

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

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

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

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

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

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

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: _____
 () Publish Date: _____

Identifier (file name): SB72-DOT-PD-2-09-09
 Title: Child Safety Seats and Seat Belts
 Sponsor: Sen. French
 Requester: S TRA
 Dept. Affected: DOT&PF
 RDU: Planning
 Component: Program Development
 Component Number: 2762

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2009) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

Alaska would be eligible to apply for and receive new federal funds with the passage of SB 72A Alaska could apply for an estimated \$194,235 in Federal FY09.

SECTION 2011 CHILD SAFETY AND BOOSTER SEAT INCENTIVE GRANTS provide funds to States that are enforcing a law requiring any child riding in a passenger vehicle who is too large to be secured in a child safety seat to be secured in a child restraint that meets the requirement prescribed under section 3 of Anton's Law (49 USC 30127 note; 116 Stat.2772), for an appropriate child safety seat or booster seat. States become eligible for these funds when specific weight and height of children are included in statute.

Prepared by: Mary Siroky, Legislative Liaison
 Division: Department of Transportation and Public Facilities
 Approved by: Nancy Slagle, Admin Director
Department of Transportation and Public Facilities

Phone 465-4772
 Date/Time 2/09/09 10:00am
 Date 2/9/2009

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

BILL NO. SB 72

ANALYSIS CONTINUATION

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

At this time, thirty nine other states mandate booster seat use. While any restraint is better than no restraint, national studies have shown booster seats are sixty percent safer than seat belts alone.

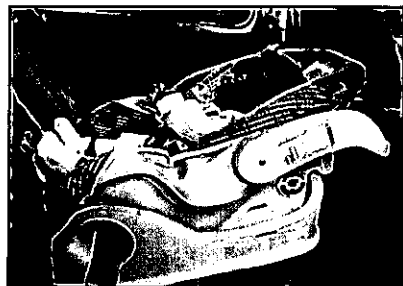
Current Alaska law requires the use of proper safety devices for children under the age of 16 as approved by the US Department of Transportation, but does not include which safety device must be used based on a child's age, height and weight.

SB 72A puts USDOT National Highway Traffic Safety Administration (NHTSA) recommendations in statute, clarifying for law enforcement officials what devices are required for proper child restraint.

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

SB 72

Child Safety Seats and Seat Belts



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



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



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



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



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



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

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

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

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

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

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

Total: 61

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

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

Child restraint laws

January 2009

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

Who is covered?			
State	Must be in child restraint	Adult safety belt permissible	Maximum fine 1st offense
Alabama	younger than 1 or less than 20 pounds in a rear-facing infant seat; 1 through 4 years or 20-40 pounds in a forward-facing child safety seat; 5 but not yet 6 in a booster seat. law states no preference for rear seat	6 through 14 years	\$25 ¹
Alaska	3 years and younger law states no preference for rear seat	4 through 15 years	\$50 ¹
Arizona	4 years and younger law states no preference for rear seat	not permissible	\$50
Arkansas	5 years and younger and less than 60 pounds law states no preference for rear seat	6 through 14 years or 60+ pounds	\$100
California	5 years and younger or less than 60 pounds ² children 5 years and younger or less than 60 pounds must be in the rear seat ²	6 through 15 years or 60+ pounds	\$100 ¹
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 law states no preference for rear seat	6 through 15 years or 55 inches or more	\$50
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) law states no preference for rear seat	7 through 15 years and 60+ pounds ⁴	\$60 ⁴
Delaware	7 years and younger and less than 66 pounds ⁵ children 11 years and younger and 65 inches or less must be in rear seat if passenger airbag is active ⁵	8 through 15 years or 66+ pounds ⁵	\$25
District of Columbia	7 years and younger law states no preference for rear seat	8 through 15 years	\$75 ¹
Florida	3 years and younger law states no preference for rear seat	4 through 5 years	\$60 ¹
Georgia	5 years and younger and 57 inches or less ⁶ 5 years and younger 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 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 ^B	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
children 3 and younger must be in a rear seat, if available			
Wyoming	8 years and younger	not permissible	\$50
children 8 years and younger must be in the rear seat if available			

¹This state assesses points for violations.

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

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

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

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

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

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

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

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.



February 4, 2009

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

Dear Senator French and Member of the Alaska Legislature,

On behalf of Safe Kids Alaska, I urge you to support Senate Bill 72, the proposed upgrade to Alaska's child passenger safety law. I strongly urge you to approve this legislation in its entirety during the current legislative session.

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

We know that strong occupant protection laws that are consistently enforced are one of the best ways to prevent injuries and save children's lives. Senate Bill 72, if enacted into law, would close a significant gap in Alaska's child occupant protection law by clearly requiring some older children to ride properly restrained in a booster seat or high-weight-harness child restraint, secured by the motor vehicle's safety belt system.

If Safe Kids Alaska can be of any assistance to you regarding Senate Bill 72, please do not hesitate to contact me. Thank you for your leadership on this important safety initiative for Alaska's children!

Sincerely,

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

Safe Kids Alaska: Preventing Childhood Injury in The Last Frontier

Support Letter: SB 72: Child Safety Seats and Seat Belts

As a private citizen, I support clarification of the current Alaska Child Passenger Safety Law by re-writing, in terms more easily understood, the recommendations of the Departments of Transportation and NHTSA. The reference for parents to look and follow DOT recommendations was always the goal of the original 1985 law.

Correct positioning of children riding in cars and booster seats DO save lives and DO prevent life long injuries. We have discovered since the writing the original law, through the advancement of technology, of on-scene crash investigations, hands-on emergency trauma treatment, through pediatric intensive care, and months, if not years, of rehabilitation due to the serious consequences of non-use and misuse of child restraints, how current law has been the misinterpreted.

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

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

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

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

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

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

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



American Academy of Pediatrics

DEDICATED TO THE HEALTH OF ALL CHILDREN™



Alaska Chapter

January 26, 2009

Alaska Chapter Executive Committee

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Jon Cook
PO Box 71577
Fairbanks, AK 99707

Dear Mr. Cook,

On behalf of the Alaska Chapter AAP I would like to lend our chapter's support for SB 72 that will update and modernize our Child Safety Seat laws to include the use of booster seats, and to spell out safe practices of child restraint devices that are appropriate for infants and children of all ages.

Seat belts are made for adults. Children should stay in a booster seat until adult seat belts fit correctly, usually when the child reaches 4' 9" in height and is between 8 and 12 years of age. The Alaska Chapter AAP recommends that state child safety seat laws are brought up to this standard.

Results from the 2007 National Survey of the Use of Booster Seats conducted by the National Center for Statistics and Analysis of the National Highway Traffic Safety Administration reveals alarmingly that booster seat use rates for children ages 6 and 7 dropped from 36 percent in 2006 to 25 percent in 2007. The study concludes that there is premature graduation of children from birth to age 12 to restraint types that are inappropriate for their height or weight.

SB 72 would help to alleviate confusion among parents and caregivers as to which safety devices are appropriate for their children. Alaska's pediatricians are happy to do their part by counseling parents during doctors' visits on how to keep their children safe while riding in vehicles.

Sincerely,

Jodyne L. Butto, MD, FAAP
President

Alaska Auto Dealer's Association

P.O. Box 71577

Fairbanks, Alaska 99707

February 4, 2009

Re: SB 72

To All Members of the House and Senate:

The Alaska Auto Dealers Association Board of Directors passed a unanimous resolution in support of SB 72 and we urge you to support this worthy bill. The same bill was introduced as SB 218 during the last session. The bill was unanimously supported in all committees and in the Senate. Unfortunately, time ran out before the bill could be heard on the House floor. SB 72 bill, if passed, will help protect young children by updating the current infant and booster seat law which has become outdated.

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

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

Nearly forty two states have updated their infant and booster seat laws along the lines proposed. By adopting new legislation, the State will be eligible for grant monies which could be used for a safety campaign. Most importantly, however, updating our law will insure that children are better protected on Alaska's roads. We urge and appreciate your support of SB 72.

Sincerely,



Jon Cook
Legislative Director



Jill Hodges
Alaska Brain Injury Network
3745 Community Park Loop #140
Anchorage, Alaska 99501
February 10, 2009

Senator Hollis French
Alaska State Legislature
Capitol Building
Juneau, Alaska

Dear The Honorable Hollis French:

Thank you for your continued concern for safety for Alaskans, as well as prevention of injury and death. SB 72 –Child Safety Seats and Seat Belts will help prevent death as well as traumatic brain injury in children.

The Alaska Brain Injury Network is a non-profit 501 (c) 3 whose mission is to educate, plan, coordinate, and advocate for a comprehensive service delivery system for survivors of traumatic brain injury and their families. Our vision begins with prevention.

There are 800 Alaskans each year hospitalized for more than 24 hours with a moderate to severe traumatic brain injury (Alaska Trauma Registry). Motor vehicle crashes are one of the leading causes of traumatic brain injury in Alaska. The Alaska Brain Injury Network, "10 Year Plan for TBI in Alaska" highlights Prevention, Advocacy, and Public Awareness on pages 49-57

(http://www.alaskabraininjury.org/documents_akbrain/10%20Year%20TBI%20Plan.pdf) with a specific objective "to prevent TBI in child occupants of motor vehicle crashes through correct booster seat use." (attachment).

Centers for Disease Control and Prevention highlights traumatic brain injury as the 'silent epidemic' and a public health issue. There are many causes of traumatic brain injury and preventative factors are specific to each cause. The CDC recommends wearing a seatbelt every time you drive and buckling children in the car using a child safety seat, booster seat, or seat belt (according to the child's height, weight, and age) (<http://www.cdc.gov/ncipc/tbi/Prevention.htm>).

In 2003, the Alaska Legislature passed legislation for a primary seatbelt law. The TBI rate due to motor vehicle crashes on the highway has decreased 38% from 2001 to 2005

(attachment). The Alaska Brain Injury Network will continue to study the TBI data to see if TBI-disability among children due to motor vehicle crashes decreases.

Thank you for your concern and your untiring pursuit of keeping Alaskans safe. You have our support.

Sincerely,

Jill Hodges

ATTACHMENT 1:

(Alaska Brain Injury Network "10 year plan for TBI in Alaska p. 55
http://www.alaskabraininjury.org/documents_akbrain/10%20Year%20TBI%20Plan.pdf)

Goal 2: Reduce the incidence of TBI-related disability

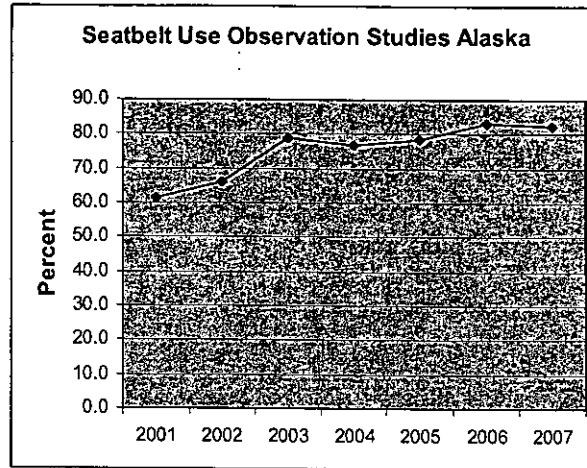
Objectives

- A. To prevent TBI in child occupants of motor vehicle crashes through correct booster seat use.
- B. To prevent TBI in young Alaskans in off-road vehicle and bicycle crashes through helmet use.
- C. To reduce risky behaviors among teens.
- D. To prevent TBI in elders due to falls through awareness and training of long-term care, community service providers and other caretakers.
- E. To prevent repetitive injuries by educating individuals with TBI, family members and others about the risk of second and third injuries.
- F. To promote collaboration among prevention agencies and organizations to include TBI in the prevention message (in addition to fatalities).
- G. To reduce TBI among elders due to falls.

ATTACHMENT 2:

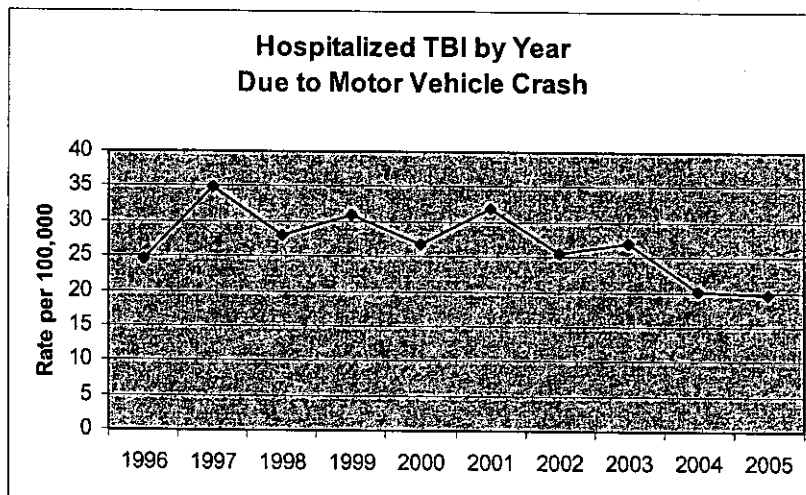
Primary Enforcement Seatbelt Law

On May 1, 2003 Alaska passed a law to change their seat belt law from secondary enforcement to primary enforcement state, ie. a vehicle can be stopped solely for seat belt non-use by an occupant. A study of Alaska has seen a steady increase in seatbelt use in the last decade. In 2007 the percent use as seen in the annual observations study was 82.4%. The national rate is 82%. The NHTSA goal is 95% use.



Source: Alaska Highway Safety Office

States with primary seat belt laws on average had seat belt use rates about 10 percentage points higher than States without primary laws in 2005. Wearing a seat belt is the best defense for an occupant in a motor vehicle crash and the single most effective measure to prevent serious traumatic brain injury. 56% of Alaskans with TBI resulting from a motor vehicle crash on the highway were not wearing seat belts. If every state with a secondary seat belt law upgraded to primary enforcement, about 1,000 lives and \$4 billion in crash costs could be saved each year.





State Of Alaska
Legislative Affairs Agency
Kenai LIO
145 Main St Lp, Ste 217
Kenai, AK 99611
907-283-2030

Date: 021909

Please accept the enclosed original(s) of written testimony
for the STA teleconference hearing
that was scheduled on 021909.

A copy of this testimony was transmitted to your committee
via fax on 021909.

Thank You,

Kenai LIO

02/19/09 10:51:00 AM
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February 18, 2009

To: Senate State Affairs

Please support SB 72.

This bill will clarify that Alaska has booster seat legislation in line with National Highway Transportation Safety Administration (NHTSA) recommendations. The legislation will make it clear that children need to be in booster seats until at least 4' 9" and less than 80 pounds. It will assist in getting children into booster seats that are currently only using vehicle belts. Vehicle belts do not fit or secure small children properly leaving them at high risk for injury and death during a crash. The legislation will also qualify AHSO for federal funding to assist in education and car seat programs for our Alaskan parents/caregivers. This legislation will save children's lives.

Thank you very much.

Yours truly,

Jane B. Fellman RN/Coordinator
Safe Kids Kenai Peninsula

250 Hospital Place, Soldotna AK 99669
907-714-4539 / fax 907-714-4696

www.cpgh.org / email.safekids@cpgh.org

SENATE COMMITTEE REPORT

DATE: 2/11/09

FURTHER: Rules

DATE TURNED IN TO OFFICE: 2/18/09

State Affairs Committee considered SENATE BILL NO. 72

SB 72 CHILD SAFETY SEATS & SEAT BELTS

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

and recommends:

- be replaced with SCS or CS SB 72 (STA)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

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


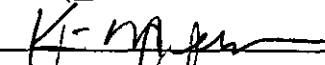
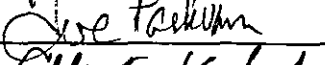
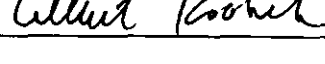
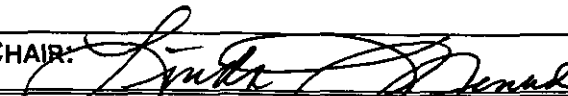
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
L				✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
DOT/RF	2/11			✓	

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	✓			
	Meyer	✓			
	PASKWAN	X			
	Kookah	X			
CHAIR: 	MENARD	✓			