

Date of Hearing: April 20, 2015

ASSEMBLY COMMITTEE ON TRANSPORTATION
Jim Frazier, Chair
AB 53 (Cristina Garcia) – As Amended April 14, 2015

SUBJECT: Vehicles: child safety seats

SUMMARY: Requires a child under two years of age to be properly secured in a rear facing child safety seat (CSS) while being transported in a motor vehicle, as specified. Requires the provisions specified in this bill to become operative on January 1, 2017.

EXISTING LAW:

- 1) Requires a parent, legal guardian, or the driver of a motor vehicle to properly secure a child under age 8 in the appropriate passenger restraint system while transporting the child in a motor vehicle.
- 2) Provides that a violation of the abovementioned requirement is subject to a \$100 fine for the first offense and a \$250 fine for the second and every subsequent offense.
- 3) Provides a number of exemptions for the abovementioned requirement, including a court issued exemption or a child exceeding height and weight requirements, as specified.
- 4) Requires a public or private hospital, clinic, or birthing center to discuss and provide documentation related to the requirements of child passenger restraint systems and transporting a child under age 8, as specified.
- 5) Requires the Department of Motor Vehicles (DMV) to prepare and disseminate educational materials related to passenger restraint requirements for infants and children under age 15.

FISCAL EFFECT: Unknown

COMMENTS: A report released in 2010 by the National Highway Traffic Safety Administration (NHTSA) reported that injuries suffered in a motor vehicle traffic crashes are the leading cause of death among children in the United States. The report further concluded that various studies have shown that children who are correctly using the appropriate restraint for their sizes and ages are at a significantly lower risk of sustaining serious or fatal injuries. Additionally, the Centers for Disease Control and Prevention reports that motor vehicle fatalities are the second leading cause of death for children age two and under.

In March 2011, the American Academy of Pediatrics (AAP) released a revised set of passenger safety recommendations when transporting children under age 13 in a motor vehicle. AAP's recommendation included having infants and toddlers ride in rear-facing CSS until they reach two years of age or until they reach the maximum weight or height allowed by the CSS manufacturer. This recommendation also advises state lawmakers to consider "phasing-in" the rear-facing requirement over a minimum two-year period in order to educate parents on the safety benefits of rear-facing CSSs.

The AAP's recommendations were based on the evaluation of a series of studies and research that determined, when properly used, CSSs reduce the risk of injury by 71% to 82% and reduce the risk of death by 28% when compared to children of the same age only using a seatbelt. The research shows that, during an accident, a rear facing CSS benefits children under age two due to the increased support to the child's head that is relatively larger, heavier, and more developed than the child's neck and spine. Thus, the potential for a child's head to snap forward and break their necks and/or injure their spinal cords is significantly minimized.

Although the safety benefits of using a rear facing CSS is well documented, studies indicate many parents turn CSSs front facing too early. For example, a study by the University of Michigan found that only 23% of parents kept their child in a rear facing CSS until age two. On the other hand, other reports show parents are reluctant to keep a child rear facing in order to avoid distractions from an uncooperative child or due to the lack of leg room (depending on the size of the vehicle).

This bill intends to reduce the injury risk of infants and toddlers involved in motor vehicle accidents by requiring children under age two to be placed in a rear facing CSS when transported in a motor vehicle. This bill also includes exemptions based on a child's height and weight in addition to requiring parents to comply with the CSS manufacturer's height and weight limitations. The author notes, this bill "will help protect against the tragedy of traffic fatalities involving toddlers and keep California children safe. California could be the first state in the nation to pass this important law to protect our youngest residents."

Double referral: This bill will be referred to the Assembly Appropriations Committee should it pass out of this committee.

REGISTERED SUPPORT / OPPOSITION:

Support

American Academy of Pediatrics, California
American College of Emergency Physicians, California Chapter
California Association of Highway Patrolmen
Early Edge California
El Camino Children and Family Services Inc.
National Safety Council
Nationwide Insurance
State Farm Mutual Automobile Insurance Company
Personal Insurance Federation of California
Zero to Three, Western Office

Opposition

None on file

Analysis Prepared by: Manny Leon / TRANS. / (916) 319-2093