

Date of Hearing: March 24, 2025

ASSEMBLY COMMITTEE ON TRANSPORTATION

Lori D. Wilson, Chair

AB 435 (Wilson) – As Introduced February 6, 2025

SUBJECT: Vehicles: child passenger restraints

SUMMARY: Raises the minimum age for vehicle child passenger restraints from eight to 13 years old and replaces the current age and height exemption with a 5-Step test, beginning January 1, 2027, in addition to other changes. Specifically, **this bill:**

- 1) Defines “acceptably restrained by a safety belt” to mean the child or ward meets all the following requirements of the 5-Step test.
- 2) The 5-Step test requirements are:
 - a) The child or ward is sitting all the way back against the auto seat;
 - b) The knees of the child or ward bend comfortably over the edge of the auto seat;
 - c) The shoulder belt snugly crosses the center of the child’s chest and shoulder, not the child’s neck;
 - d) The lap belt is as low as possible and is touching the child or ward’s thighs; and,
 - e) The child or ward can stay seated like this for the whole trip.
- 3) Raises the minimum age exemption for child restraints from eight to 13 years old and removes the 4’9” height exemption.
- 4) Requires a child 13 years or under to use a seat belt instead of a child passenger restraint system if the child meets the 5-Step test requirements.
- 5) Raises the minimum age requirement for children sitting in the front seat from eight to 13.
- 6) It requires passengers in the front seat 13 to 16 years old to pass the 5-Step test.

EXISTING LAW:

- 1) Requires children under two years of age to ride in a rear-facing car seat unless the child weighs 40 or more pounds or is 40 or more inches tall. The child shall be secured in a manner that complies with the height and weight limits specified by the manufacturer of the car seat. (Vehicle Code Section (VEH) 27360)
- 2) Requires children under the age of eight to be secured in a car seat or booster seat in the back seat. (VEH 27318 and 27363)
- 3) Requires children who are eight years of age or have reached 4’9” in height to be secured by a booster seat, but at a minimum must be secured by a safety belt. (VEH 27363)
- 4) Requires passengers who are 16 years of age and over to wear a seat belt (VEH 27315)

FISCAL EFFECT: Unknown

COMMENTS: In 2000, the California legislature passed SB 567 (Speier), Chapter 675 which required the use of booster seats for children weighing 40 to 80 pounds. Subsequent legislation updated California child seat laws. AB 1697 (Pavley), Chapter 524, Statutes of 2003 required children less than six years of age or weighing less than 60 pounds to be secured in the rear seat in a proper child safety system. SB 929 (Evans), Chapter 474, Statutes of 2011 updated the child seat law to exempt children over eight years old from rear booster seat requirements and allows children who are at least 4’9” to sit in the front passenger seat. Finally, AB 53 (Garcia), Chapter 292, Statutes of 2016 mandates that children under the age of two remain in rear-facing safety seats unless they exceed 40 pounds or 40 inches.

In 2021, the National Highway Traffic Safety Administration (NHTSA) published Traffic Safety Facts showing that child passenger traffic induced injuries and fatalities increased post-pandemic. According to the report, 80% of traffic-related child fatalities are vehicle occupants. Three percent of traffic fatalities were children 14 and younger. In 2021, 162,298 children were injured in traffic crashes, a 17% increase from 2020. On average, three children were killed and 445 children were injured every day in traffic crashes in 2021. Children aged eight to 12 had the highest incidence of fatalities compared to other age groups. Unrestrained and improperly restrained passengers have a higher incidence of mortality compared to restrained groups.

UC Berkley’s Safe Transportation Research and Education Center (SafeTREC) published a 2024 report, “Traffic Safety Facts: Occupant Protection and Child Passenger Safety”, which found that child fatality trends are partly due to the improper use of child safety seats and lap/shoulder seat belt use. NHTSA’s 2015 “Results of Child Restraint Use Special Study” identified that approximately 46 % of car seats are misused. In another study, AAA and the National Safety Council in 2021 found that 52% of all car seats inspected by child passenger safety technicians are improperly installed, 73% of forward facing car seats are incorrectly installed, and 90% of children using adult lap-and-shoulder safety belts under the age of 10 should still be in a car booster seat. AAA states that parents with the best intentions may be unknowingly endangering their children by putting them in the wrong seat or not securing them properly.

Recent data suggests that the minimum height requirements do not adequately capture the safety needs of children in vehicles. As a result, safety experts have developed a 5-Step test (outlined above) to determine if a child needs a booster seat.

If a child fails to meet all five steps, then this bill would require a child to be in a booster seat. The purpose of the guidelines is to ensure that the seatbelt properly fits the passenger with the intention of significantly reducing the risk of injury or death in case of an accident. Consistent with what this bill would require, a 2025 study by Haironi et al. on Child Passenger Safety published in the International Journal of Multidisciplinary Research and Literature found that children under 13 should occupy the rear seats of a car to prevent injury and improve safety. NHTSA, the American Academy of Pediatrics (AAP), and the Center for Disease Control (CDC), have identified that the minimum exemption of 4’9” has been proven unreliable due to air bag designs and crash dynamics. Louisiana became the first state to require the 5-Step test in 2021, followed by Minnesota in 2024.

Airbag design and the necessity of child seats. Vehicle restraint features and airbags are designed for adults and can pose a risk of injury or death for children especially in the front seat of passenger vehicles. NHSTA states that seat belts help prevent drivers and passengers from being too close to a deploying front air bag and is the reason why rear-facing car seats and children under 13 should remain in the back seat. Today, many car manufacturers have adjusted their restraints and airbag features to accommodate the use of car seats to prevent injury to children passengers.

New innovations in airbag technology are integrating smart sensors that assess the size and position of passengers before deployment. These advanced sensors ensure that airbags deploy in a manner that minimizes injury risk, particularly for smaller individuals and children. While Federal regulations mandate all passenger vehicles have airbag sensors, not all vehicles are equipped with smart sensors. NHSTA recommends that children under 13 should use the proper car seat and should remain in the back seat of passenger vehicles to maximize safety unless the vehicle does not have a rear seat or is too small for a child restraint or the child has a condition that requires frequent medical monitoring.

Child restraint violation data. Traffic violation data from the California Highway Patrol (CHP) identified that there is an increase in child restraint violations post 2020. According to the dataset, there were 3,647 child restrain violations in 2020. Since then, there has been a steady increase in violations. 3,821 in 2021, 3677 in 2022, 4,393 in 2023, and 4,703 in 2024 which is a 22.5% increase since 2020.

Equity considerations. In California, several programs provide low-income individuals and families with access to free or subsidized car seats. In November 2024, the CHP secured federal grant funding of \$850,000 for the California Restraint Safety Education and Training (CARSEAT) campaign, which provides essential resources and education on child passenger safety through community-focused events. In addition, the program will offer free child safety seats to families in need. Kidtravel.org maintains an expansive repository of free infant car seats available in all 50 states and provides information about car seat programs at the federal, state, regional, and local levels. For California, Kidstravel.org includes resources for each county and outlines other ways to secure car seats through local police and fire departments, insurance services, and hospitals. Additional resources for free car seats can be found through “Who’s Got Car Seats” through the California Office of Traffic Safety. According to the Bureau of Transportation Statistics, the average age of passenger and light-duty vehicles in the United States is approximately 13 years old. All vehicles 2002 and newer are retrofitted with the LATCH system, ensuring compatibility with all car seats.

NHSTA has a database for local entities that perform car seat inspections. Local police and fire departments, as well as some hospitals in California, provide free child, car seat, and booster seat inspections. Resources for proper child seat installation are widely available online as well. Finally, the Juvenile Products Manufacturers Association annually hosts Baby Safety Month in September to celebrate child passenger safety by providing resources on how to properly install child seats, information on where to get car seats checked, and discounts on new and old car seat models available.

According to the author, “As the second leading cause of unintended injury related deaths among children, motor vehicle crashes present a critical focus for safety improvements. Extending the required age for booster use and implementing straightforward testing can significantly enhance

child safety. Research findings support these proposed changes, indicating that they can increase understanding among both parents and children about the benefits of updated laws. Endorsed by the Strategic Highway Safety Plan Occupant Protection Committee, the 5-Step Test was designed to consider the varied internal dimensions of vehicles, which the previous height criterion cannot address adequately.”

Automobile Club of Southern California and AAA Northern California, Nevada & Utah writing in support of this bill, argue “The AAA Clubs support laws requiring infants and children under age 13 always ride in the back seat in appropriate restraints that are properly installed. Moreover, the degree of protection obtained by child restraints depends on correct use and fit. Accordingly, we have actively been working with the child passenger safety community to educate the public about what it means to ‘sit properly restrained.’ The AAA, National Highway Safety Administration, California Department of Public Health, and many more public safety organizations are now promoting use of the 5-step test to determine if a child is ready to use a seat belt instead of a booster seat. Additionally, Louisiana adopted this standard in 2019 and Minnesota in 2024.”

Previous legislation. AB 53 (Garcia) Chapter 292, Statutes of 2016 mandates that children remain in rear-facing safety seats until age two unless they exceed 40 lbs. or 40 inches.

SB 929 (Evans) Chapter 474, Statutes of 2011 prohibits a parent, legal guardian, or driver from transporting on a highway in a motor vehicle, as defined, a child or ward who is under eight years of age without securing that child in an appropriate child passenger restraint system meeting applicable federal motor vehicle safety standards.

AB 1697 (Pavley) Chapter 524, Statutes of 2003 requires that a child or ward who is less than six years of age or weighs less than 60 pounds be secured in a rear seat in a specified child passenger restraint system.

SB 567 (Speier), Chapter 675, Statutes of 2000 requires a child under the age of six years of age and less than 60 pounds to be properly restrained in a rear seat child passenger restraint.

SB 177 (Lowenthal) of 2009 would have allowed certain children to sit in the front seat under an exception, lowering the age of the children occupying the rear seats from 12 to eight years of age. SB 177 died in the Assembly Transportation Committee.

AB 881 (Mullin) of 2007 would have required a child who is under eight years of age to be secured in a rear seat in an appropriate child passenger restraint system. AB 881 was vetoed by Governor Schwarzenegger.

AB 2108 (Evans) of 2006 required a child who is under eight years of age to be secured in a rear seat in an appropriate child passenger restraint system. AB 2108 was vetoed by Governor Schwarzenegger.

REGISTERED SUPPORT / OPPOSITION:

Support

AAA Northern California, Nevada and Utah
Automobile Club of Southern California
Buckle Up for Life
California Hospital Association
Juvenile Products Manufacturers Association
Rady Children's Hospital

Opposition

None on file

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