

SB 631

Measure Title: RELATING TO TORT LIABILITY IMMUNITY.
Report Title: Tort Liability; Immunity for Certain Volunteers
Description: Provides immunity from civil liability for trained installers and inspectors of automotive child passenger restraint devices.
Companion:
Package: None
Current Referral: CPN, JDL
Introducer(s): KEITH-AGARAN, Baker, Chun Oakland, English, Kidani, Tokuda

<u>Sort by</u> <u>Date</u>		Status Text
1/18/2013	S	Introduced.
1/22/2013	S	Passed First Reading.
1/22/2013	S	Referred to CPN, JDL.
1/24/2013	S	The committee(s) on CPN has scheduled a public hearing on 01-30-13 8:30AM in conference room 229.

**SENATE COMMITTEE ON
COMMERCE AND CONSUMER PROTECTION**

January 30, 2013

Senate Bill 631 Relating to Tort Liability Immunity

Chair Baker and members of the Senate Committee on Commerce and Consumer Protection, I am Rick Tsujimura, representing State Farm Mutual Automobile Insurance Company (State Farm).

State Farm supports the Senate Bill 631 Relating to Tort Liability Immunity. This bill proposes to provide immunity from civil liability for trained installers and inspectors of automotive child passenger restraint devices.

Thank you for the opportunity to present this testimony.

Senator Rosalyn H. Baker, Chair
Senator Brickwood Galuteria, Vice Chair
Committee on Commerce and Consumer Protection

SB 631 Relating to Tort Liability Immunity

Testimony of
PaTricia L. McMurray
Child Passenger Safety Technician
trishbolsrn@yahoo.com

My name is PaTricia McMurray. I am a Registered Nurse working for the Department of Defense, U.S. Army, working in Hawaii. I move every 2-3 years with my spouse whom is active duty Army. I originally took my CPS certification class while living in Grafenwoehr, Germany in 2009, shortly before my son was born. It had been 19 years since I had a child so I wanted to ensure I had an understanding of the proper use and installation of Child Passenger Safety Seats.

Since 2009, I have maintained my CPS certification to help educate other military and civilians in the proper installation of child restraints. I have found that many times, during the education and inspection, there were very few parents or care providers who came through the check stations with properly installed car seats and/ seats that were age appropriate.

As a Nurse and CPS Technician, I do often wonder and am concerned about the liability. Many organizations, to include hospitals, have established child seat fitting stations to assist families on the proper use and installation of child restraints as a public service.

The purpose of this bill, which is law in some mainland states, is to encourage people to become Child Passenger Safety Technicians and to assure organizations that their members would be covered under this law.

I humbly ask that you approve this measure and thank you for this opportunity to testify.

Senator Rosalyn H. Baker, Chair
Senator Brickwood Galuteria, Vice Chair
Committee on Commerce and Consumer Protection

SB 631 Relating to Tort Liability Immunity

Testimony of
Lisa M. Dau, RN
Child Passenger Safety Technician Instructor
lisadau@hawaii.rr.com

My name is Lisa Dau and I am a Registered Nurse with Kapiolani Medical Center. I have been a Certified Child Passenger Technician in 2001 and been trained as an instructor in 2003 soon after began to certify others in the field of child passenger safety.

We have conducted training of many people as Child Passenger Safety Technicians, whose primary responsibility is to educate parents and caregivers in the proper installation of child restraints. Even today, as many as 8 out of 10 child restraints are installed incorrectly.

Often, instructors are asked about liability concerns. Many organizations have established child seat fitting stations to assist families on the proper use and installation of child restraints as a public service.

The purpose of this bill, which is law in some mainland states, is to encourage people to become Child Passenger Safety Technicians and to assure organizations that their members would be covered under this law.

I humbly ask that you approve this measure and thank you for this opportunity to testify.

Thank you,

Lisa M. Dau, RN

Senator Rosalyn H. Baker, Chair
Senator Brickwood Galuteria, Vice Chair
Committee on Commerce and Consumer Protection

SB 631 Relating to Tort Liability Immunity

Testimony of
Kathryn Weaver
Child Passenger Safety Technician
kaye.weaver@gmail.com

My name is Kathryn Weaver and I am a Certified Child Passenger Safety Technician and stay at home mom.

In 2010 I made the decision to train and become a CPST in order to help educated other parents and caregivers in how to keep their children and children in their care as safe as possible in vehicles. As many as 8 out of 10 child restraints are installed incorrectly and I hope to be a force for good in making that ratio dwindle.

I am asked about my liability by some parents and other CPSTs who are a part of an organization. As a stay at home mom who does not always work with an organization for seat checks I have to be cautious and cover my own bases by making sure that I am not the last person to touch/instal a seat and explain that my "job" is education and not an installation service to those who seek me out. Sometimes being cautious and having some of my focus drawn to liability I could possibly be depriving my families of my undivided focus on their child's safety.

The purpose of this bill, which is law in some mainland states, is to encourage people to become Child Passenger Safety Technicians and to assure organizations that their members would be covered under this law.

I humbly ask that you approve this measure and thank you for this opportunity to testify.

Senator Rosalyn H. Baker, Chair
Senator Brickwood Galuteria, Vice Chair
Committee on Commerce and Consumer Protection

SB 631 Relating to Tort Liability Immunity

Testimony of
Charles M. Hirata
Child Passenger Safety Technician Instructor
Hi0050@yahoo.com

My name is Charles Hirata and I am a retired Maui Police Department Captain. In 1997, I was trained as the first nationally certified Child Passenger Safety Technician in the State of Hawaii. In 1998, I was trained as an instructor and began to certify others in the field of child passenger safety.

Since 1998, we have conducted training of hundreds of persons as Child Passenger Safety Technicians, whose primary responsibility is to educate parents and caregivers in the proper installation of child restraints. Even today, as many as 8 out of 10 child restraints are installed incorrectly.

Often, instructors are asked about liability concerns. Many organizations have established child seat fitting stations to assist families on the proper use and installation of child restraints as a public service.

The purpose of this bill, which is law in some mainland states, is to encourage people to become Child Passenger Safety Technicians and to assure organizations that their members would be covered under this law.

I humbly ask that you approve this measure and thank you for this opportunity to testify.

SB631

Submitted on: 1/25/2013

Testimony for CPN on Jan 30, 2013 08:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Karen Tessier	Individual	Support	No

Comments: I am a certified child passenger safety technician instructor, and coordinator of the child passenger safety program on Oahu. I often have technicians ask me about the liability risk involved when they are helping parents to install their child safety seats. It is a concern for many of them. It is also a deterrent to becoming certified by others who initially express interest in this community service. This measure will help us recruit and train more technicians, and will provide an increased level of confidence for those who choose to help parents in this way. Motor vehicle crashes are a leading cause of death in young children, and most deaths and injuries are due to improper restraint. Anything we can do to increase the number of children who are properly restrained will prevent some of these deaths and injuries. This measure will do just that by helping to increase the number of certified technicians available to educate parents. I ask you to pass this bill.