



Subject: **Support HB1090 HD1**

Dear Chair Lee, Vice Chair Inouye, and members of the Senate Committee on Transportation,

My name is Kari Benes, and I am the chair of the Hawaii Strategic Highway Safety Plan (SHSP) asking for your support HB1090 HD1, which aligns Hawaii's law around policy with national best practices which keeps our youngest passengers in the appropriate child passenger seats and restraints for their given age and height.

This measure aligns with the SHSP's life-saving priorities in the updated 2019-2024 plan.

The Hawaii Strategic Highway Safety Plan's vision is that all of Hawaii's road users arrive safely at their destinations. You can help us achieve our goal of reducing yearly fatalities in addition to Vision Zero priorities, by supporting this measure.

To view the Strategic Highway Safety Plan, please visit <https://hidot.hawaii.gov/highways/shsp/>

Strategic Highway Safety Plan Mission

*Save lives and reduce injuries on Hawaii's roadways through strategic partnerships and implementation of the Strategic Highway Safety Plan.*



**TESTIMONY BY:**

JADE T. BUTAY  
DIRECTOR

Deputy Directors  
LYNN A.S. ARAKI-REGAN  
DEREK J. CHOW  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN

**STATE OF HAWAII**  
**DEPARTMENT OF TRANSPORTATION**  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

March 18, 2021  
3:00 P.M.  
State Capitol, Teleconference

**H.B. 1090, H.D. 1**  
**RELATING TO CHILD PASSENGER RESTRAINTS**

Senate Committee on Transportation

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The Department of Transportation **supports** H.B.1090, H.D. 1, which amends requirements for the restraint of child passengers, requires rear facing child safety seats for children less than two years of age, requires the use of child safety seats or booster seats for certain children less than 10 years of age, and raises certain fines for violations.

We support raising of the age for children to remain rear facing, increasing fines, as well as raising the child's age for vehicle operators to ensure that the child is properly restrained in a safety or booster seat.

According to the American Academy of Pediatrics, "infants and toddlers should ride in a rear-facing car safety seat as long as possible, until they reach the highest weight or height allowed by their seat. Most convertible seats have limits that will allow children to ride rear-facing for two years or more."

The Hawaii Department of Health reports that 711 children were injured in crashes over the five-year period of 2016-2020. 42% were under the age of four years old.

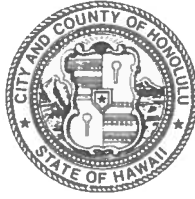
Currently, 23 states, including District of Colombia and the Virgin Islands have requirements that children under the age of two be rear facing. It is recommended that the State of Hawaii should also adopt these requirements to reduce motor vehicle fatalities and serious injuries.

Thank you for the opportunity to provide testimony.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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RICK BLANGIARDI  
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DEPUTY CHIEFS

OUR REFERENCE CT-LC

March 18, 2021

The Honorable Chris Lee, Chair  
and Members  
Committee on Transportation  
State Senate  
Hawaii State Capitol  
415 South Beretania Street, Room 224  
Honolulu, Hawaii 96813

Dear Chair Lee and Members:

SUBJECT: House Bill No. 1090, H.D. 1, Relating to Child Passenger Restraints

I am Calvin Tong, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 1090, H.D. 1, Relating to Child Passenger Restraints.

This bill will provide greater protection for our youth. Requiring a booster or child safety seat for children up to the age of ten ensures that they will be protected in the event of a crash.

The HPD strongly urges you to support House Bill No. 1090, H.D. 1, Relating to Child Passenger Restraints.

Thank you for the opportunity to testify.

APPROVED:

A handwritten signature in black ink, appearing to read "Susan Ballard", is written over a horizontal line.

Susan Ballard  
Chief of Police

Sincerely,

A handwritten signature in black ink, appearing to read "Calvin Tong", is written above the name.

Calvin Tong, Major  
Traffic Division



## Keiki Injury Prevention Coalition

Date: March 15, 2021

TO: Senator Chris Lee, Chair  
Senator Lorraine R. Inouye, Vice Chair  
Members of the Senate Committee on Transportation

FR: Keiki Injury Prevention Coalition

RE: HB 1090 HD1 RELATING TO CHILD PASSENGER RESTRAINTS – IN SUPPORT

Amends requirements for child passengers. Requires rear facing child safety seats for children under two years of age. Raises certain fines for violations.

Dear Chair Lee, Vice-Chair Inouye, and members of the committee,

The Keiki Injury Prevention Coalition strongly supports HB 1090. Injury is one of the leading causes of death and disability in Hawaii for all children, responsible for more deaths of children ages 1-17 than all other causes combined. Automobile safety has been our major focus as traffic related injuries continue to be a leading cause of death for Hawaii's children and youth. We support requiring children to ride rear facing as long as possible and at least until age two years. The American Academy of Pediatrics guideline is that "infants and toddlers should ride in a rear-facing car safety seat as long as possible, until they reach the highest weight or height allowed by their seat. Most convertible seats have limits that will allow children to ride rear facing for 2 years or more." If enacted, Hawaii will join 15 other states and the District of Columbia in adopting this national standard to protect the most vulnerable motor vehicle passengers.

The rear facing position protects the child's brain and spinal cord, which are the body parts most prone to devastating and permanent injuries in the case of trauma. Infants' and small children's heads are larger and heavier in proportion to their bodies. This can cause significant injury to the neck and spine when crash forces are applied to them. Rear facing car seats spread crash forces over the whole area of a child's back, head and neck, protecting the spinal cord from snapping which will lead to death or permanent severe injury.

We also support increasing fines to reflect the significant risk for injury in violating this law and support other changes to the statute to ensure that every child is properly restrained in a child restraint, booster seat, or seat belt as appropriate for their age and height.

KIPCC's mission is to prevent and reduce injuries to children in Hawaii. With the help of our members, community partners and volunteers we have made major strides in improving vehicle occupant protection for children in our state. Safety Seat Inspection Stations and community events statewide offer hands-on education free of charge.

Thank you for the opportunity to provide this testimony.

Karen Tessier

*Karen Tessier*

Child Passenger Safety Program Coordinator



Thursday, March 18, 2021 at 3:00 PM  
Via Video Conference

**COMMITTEE ON TRANSPORTATION**

Senator Chris Lee, Chair

Senator Lorraine R. Inouye, Vice Chair

From: Lisa Dau, RN, Coordinator, Kapi'olani Medical Center for Women and Children

**Re: Testimony in Support of HB 1090  
Relating to Child Passenger Restraints**

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My name is Lisa Dau, and I am the Injury Prevention Coordinator at Kapi'olani Medical Center for Women and Children (Kapi'olani) which is an affiliate of Hawaii Pacific Health. Kapi'olani Medical Center is the state's only maternity, newborn and pediatric specialty hospital. It is also a tertiary care, medical teaching and research facility. Specialty services for patients throughout Hawai'i and the Pacific Region include intensive care for infants and children, 24-hour emergency pediatric care, air transport, maternal-fetal medicine and high-risk perinatal care. Kapiolani is the Lead Agency for Safe Kids Hawaii.

**I write in support of HB 1090** which amends the requirements for child passengers and requires rear facing child safety seats for children less than 2 years of age. The bill also requires the use of child safety seats or booster seats for certain children less than 10 years of age.

HB 1090 would help keep children safe in motor vehicles from the day they are born until they are old enough to safely use adult seat belts. The major change that H.B. 1090 would introduce is requiring children to be properly restrained in a rear-facing child safety car seat that meets federal motor vehicle safety standards until they are two years old and to increase the age for booster seat use from eight to ten years of age.

**Backed by Pediatricians, Based on Science:**

The importance for parents and the law to adhere to these requirements is backed by science and cannot be understated. The American Academy of Pediatrics (AAP) strongly recommends the use of rear-facing car seats for as long as possible, typically until the age of two. This is what the pediatricians tell us: at this stage of development, children have a large head in proportion to their bodies, in addition to a neck and skeleton that are still developing. Therefore, they are vulnerable to head and spinal

injuries in a motor vehicle crash as their neck and skeleton are not capable of supporting them during a crash.<sup>i</sup> Rear-facing car seats protect the head, neck, and spine of infants by redistributing crash forces over the entire body.<sup>ii</sup>

Furthermore, consistent with AAP research, H.B. 1090 updates important occupant protection requirements for kids as they grow older and taller. Children two years or older, but less than four years of age, should be restrained in a rear-facing or forward-facing child safety seat with an internal harness. Children four years or older, but less than ten years of age are to be restrained in a child safety seat or booster seat. However, children seven to ten years of old who are over four feet and nine inches in height are exempt from the child safety seat or booster seat requirements if they are correctly restrained by a lap and shoulder seat belt assembly.

### **Sixteen Jurisdictions Make the Change; Human Face of Car Seat Safety:**

Since the AAP adopted the new guidelines, 15 states and DC require children younger than two years old to be in a rear-facing child seat, and a number of other states are considering the change.<sup>iii</sup> We hope to increase that number to 17 with the passage of this bill.

### **Safe Kids Worldwide Expertise:**

Safe Kids Worldwide is a grass roots network of more than 400 coalitions across the United States, including Safe Kids Hawaii lead by Kapi'olani Medical Center for Women and Children. Our mission is to prevent unintentional injury among kids 19 and under, which is the number one killer of children. Fatalities from car crashes due to the nonuse or misuse of child safety restraint systems are among these preventable tragedies. Child passenger safety has been central to the expertise of Safe Kids Worldwide since it's founding in 1988. One of our child passenger safety programs is "Safe Kids Buckle Up," which began in 1997 and has since become one of the most successful behavior change campaigns with a public health focus.<sup>iv</sup> Included in this program are car seat checkup events and inspection stations that help parents install and use car seats correctly. We are designated by the National Highway Transportation Safety Administration (NHTSA) to train and certify child passenger safety technicians that will provide parents with the knowledge and assistance to properly use car seats to protect their children. We also advocate for laws and regulations that prevent childhood injuries. Common sense, evidence-based laws, such as car seat and booster seat laws across the country, are crucial. That is why *your* work and leadership is so important.

One child's life lost to a preventable injury is one too many. Together, we need to work to protect all children from preventable injuries, one ride at a time, one appropriate car seat at a time.

Thank you for the opportunity to testify.

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Research provided by Safe Kids Worldwide intern, Joshua Oyos, a student at the New York University, Abu Dhabi campus

<sup>i</sup> American Academy of Pediatrics. *Policy-Statement—Child Passenger Safety*. Available at <https://pediatrics.aappublications.org/content/142/5/e20182460>

<sup>ii</sup> American Academy of Pediatrics. *AAP Updates Recommendation on Car Seats*. Available at <https://www.aap.org/en-us/about-the-aap/aap-press-room/pages/aap-updates-recommendation-on-car-seats.aspx>

<sup>iii</sup> Advocates for Highway and Auto Safety. *17<sup>th</sup> Annual roadman of State Highway Safety Laws*. Available at <https://saferoads.org/wp-content/uploads/2020/01/Advocates-for-Highway-and-Auto-Safety-2020-Roadmap-of-State-Highway-Safety-Laws.pdf>

<sup>iv</sup> Safe Kids Worldwide. *Buckle Up*. Available at <https://www.safekids.org/buckle>

**TESTIMONY OF NAHELANI WEBSTER ON BEHALF OF THE  
HAWAII ASSOCIATION FOR JUSTICE (HAJ) IN OPPOSITION  
TO H.B. 1090 HD1**

Date: Thursday, March 18, 2021

Time: 3:00 p.m.

To: Chair Lee and Members of the Senate Committee on Transportation:

My name is Nahelani Webster and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) in opposition to the current draft of H.B. 1090 HD1, Relating to Child Passenger Restraints. We ask the committee to amend the bill by not deleting from statute Section 291-11.5 (d).

We support the proper use of child passenger restraints and appreciate the legislature's attempt to strengthen the requirements for use of child passenger restraints through this bill. We recommend leaving in statute section (d) to preclude contributory negligence, comparative negligence, and negligence per se arguments, in the context of restraining young children in motor vehicles, as this is good public policy to ensure that the responsibility goes to the individual who caused the harm.

Sharing the following example of what this would mean in real life: a drunk driver traveling at high speed rear-ends a family in a van at a stoplight. If the parents in the van simply forgot to buckle the child into the car seat because they had been busy loading groceries, or if the child unbuckled the car seat restraint themselves after the parents had properly buckled them in, the drunk driver could potentially argue the parents are 100% at fault for the child's injuries or death because a properly restrained child would not have been injured or killed.



Respectfully asking the committee to leave in statute the important language as it stands today to ensure that when an injury occurs the liable party may be held responsible. Thank you for allowing us to testify regarding this measure. Please feel free to contact us should you have any questions or desire additional information.

March 18, 2021

Senator Chris Lee, Chair  
Senator Lorraine R. Inouye, Vice Chair  
Members of the Senate Committee on Transportation

**RE: HB1090 HD1 Relating to Child Passenger Restraints. - SUPPORT**

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Many states have enacted, and others are considering, this very important step to improve safety by requiring children younger than two to be in a rear-facing child safety seat. If enacted, Hawai'i will join 15 other states who have adopted this new national standard to protect the most vulnerable and youngest motor vehicle passengers.

The American Academy of Pediatricians agrees that children should ride rear facing as long as possible and at least until two years of age or until they reach the weight limits of their seat. A 2007 University of Virginia study found that children were 75 percent less likely to suffer severe or fatal injuries in a crash if they are facing the rear. Requiring children to stay rear facing until the age of two is the easiest way to keep children safe while on the road.

Rear facing car seats are constructed to allow children to "ride down" the crash, whereas forward facing seats, much like seat belts, hold occupants in their seats. For babies, this is a critical difference., Their heads are often larger and heavier in proportion to their bodies, which can cause significant trauma to the neck and spine in a crash if they are forward facing. Rear facing car seats spread frontal crash forces over the whole area of a child's back, head and neck and they prevent the head from "snapping" relative to the body in a frontal crash.

AAA advocates for measures to improve traffic safety, including vulnerable road users such as child passengers in an automobile. We support growing legislative efforts in many states to enact more effective child safety seat laws. AAA also provides free educational materials and free community programs that help new parents make sure car seats are installed properly.

Since 1915, AAA Hawai'i has been a leader in motorist services and a strong advocate for traffic safety. With more than 170,000 members, traffic safety is cornerstone of our mission in the state. HB1090 moves the state in the right direction in further improving the safety of children in automobiles. We respectfully urge your YES vote on HB1090 HD1.

Sincerely,

*Liane Sumida*

Liane Sumida  
General Manager

1130 N. Nimitz Highway, Suite A170, Honolulu, HI 96817

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Auto Club Enterprises provides service to more than 14 million members





**LATE**

March 18, 2021

Senate Committee on Transportation  
Senator Chris Lee, Chair  
Hawaii State Capitol, Room 216  
Honolulu, HI 96813

**RE: HB 1090 – Child Passenger Restraints**

Dear Chairman Lee, Vice-Chair Inouye and members of the Senate Committee on Transportation,

As the state legislature considers improved child occupant protection legislation for Hawaii families, the Juvenile Products Manufacturers Association (JPMA) would like to support the effort. We hope that your bill will represent the latest research and the most of the current recommendations from the American Academy of Pediatrics (AAP) and the National Highway Traffic Safety Administration (NHTSA), delaying transitions between restraint categories based on manufacturer instructions and requiring that all child restraint and vehicle instructions are followed.

The Juvenile Products Manufacturers Association is a national not-for-profit trade organization representing 95% of the prenatal to preschool industry including the producers, importers, or distributors of a broad range of childcare articles that provide protection to infants and assistance to their caregivers. JPMA exists to advance the interests, growth and well-being of North American prenatal to preschool product manufacturers, importers, and distributors marketing under their own brands to consumers. JPMA also partners with government officials, consumer groups, and industry leaders on programs to educate consumers on the safe selection and use of juvenile products.

The updated child passenger safety policy statement from the American Academy of Pediatrics (August 2018) recommends delaying transition as long as possible for each mode of restraint, based on the specific weight and height limits in the manufacturer instructions for the specific car seat model. The National Highway Traffic Safety Administration (NHTSA) guidance agrees with the AAP, and both groups recommend rear seat placement for children until they are at least age 13.

The JPMA generally supports legislation requiring extended rear-facing car seat use. With age 2 as a chosen requirement for rear-facing child restraint use, we must also consider that these safety devices

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**JUVENILE PRODUCTS MANUFACTURERS ASSOCIATION, INC.**

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are designed and tested to protect children within their specified height and weight ranges when used correctly. For that reason, we strongly recommend that the language in revised HRS Section 291-11.5 expressly state that the child restraint manufacturer instructions for height, weight, age and usage must be followed. Ideally, such a requirement should be applied to all restraint systems in all modes of use for consistency with the above recommendations and to avoid confusing affected motorists. JPMA fully supports the proposed expansion of the affected child age range the removal of unnecessary exceptions that compromise the current law's effectiveness.

To assist with the creation of additional state requirements that reflect the latest recommendations and require proper use according to manufacturer instructions, JPMA has worked with experts in the field, advocate organizations and law enforcement specialists to develop model legislative language (attached). The suggested wording delays each transition, expressly requires child restraint selection and use according to manufacturer instructions, and reduces the need for exceptions or clarifying wording. Safe Kids Worldwide and the Safe States Alliance officially endorse the language as well, and other organizations are considering participation.

On behalf of the juvenile products industry and child restraint manufacturers, we want to thank you for your efforts to keep Hawaii children safe from harm. Motor vehicle crashes are a leading cause of death and injuries, and car seat education, legislation, and enforcement are proven methods for reducing their negative effects.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kelly Mariotti".

Kelly Mariotti, JD, CPA, CAE  
Executive Director

## **An Act relating to the use of child passenger restraint systems**

### *Definitions*

“child restraint system” - any device, except Type I or Type II seat belts, designed for use in a motor vehicle to restrain, seat, or position children who weigh 80 pounds (36 kg) or less. To comply, a child restraint system must meet all applicable Federal Motor Vehicle Safety Standards including FMVSS 213.

“properly secured” – used in accordance with child restraint system manufacturer instructions, including manufacturer height and weight limits, proper attachment to the vehicle, correct securement of the child and expiry dates

When a child who is less than eighteen years of age is being transported in a motor vehicle that is in motion and that is required by federal safety standards to be equipped with a safety belt system and/or lower anchors and tether anchors for children (LATCH) in a passenger seating position, the driver of the vehicle shall ensure that the child is properly secured as follows:

- (a) A child who is under the age of two years must be properly secured in a rear-facing child restraint system that is equipped with an internal harness
- (b) A child who is at least two years of age must be properly secured in a rear- or front-facing child restraint system that is equipped with an internal harness
- (c) A child who is at least four years of age must be properly secured in (i) a rear- or front-facing child restraint system that is equipped with an internal harness or (ii) a belt-positioning booster
- (d) A child who is at least 9 years of age must be properly secured in (i) a belt-positioning booster or (ii) a properly fastened and adjusted vehicle seat belt system. A vehicle seat belt system is properly fastened and adjusted when a child is sitting all the way back against the vehicle seat back with the child’s knees bending over the vehicle seat edge, the lap belt fitted snugly across the child's thighs and lower hips and not on the abdomen, and the shoulder strap snugly crossing the center of the child's chest between the neck and top of the shoulder.
- (e) A child who is under the age of thirteen years (12 and under) must be properly secured in a rear seat of the vehicle, unless all manufacturer-designated rear seating positions are occupied by other children or the vehicle does not have designated

forward-facing vehicle seats or rear seating positions were not equipped with seat belts or lower anchors and tethers that meet all applicable Federal Motor Vehicle Safety Standards when released for original sale.\

The court may exempt from the requirements of this article any class of child by age, weight, or size if it is determined that the use of a child passenger restraint system would be impractical by reason of physical unfitness, medical condition, or size. The court may require satisfactory proof of the child's physical unfitness, medical condition, or size and that an appropriate special needs child passenger restraint system is not available.