

HB-1090

Submitted on: 3/1/2021 3:16:24 PM

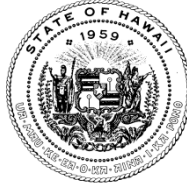
Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Christy Cowser	Hawaii Dept. Of Transportation	Support	No

Comments:

I am with the DOT and available for comments.

DAVID Y. IGE
GOVERNOR



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 2, 2021
12:00 P.M.
State Capitol, Teleconference

H.B. 1090
RELATING TO CHILD PASSENGER RESTRAINTS

House Committee on Finance

The Department of Transportation **supports** H.B.1090, 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 2 years or more."

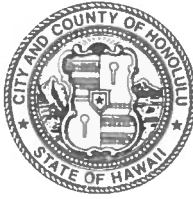
The Hawaii Department of Health reports that 711 children were injured in crashes over the 5-year period of 2016-2020. 42% were under the age of four years old.

Currently, 23 states, including District of Columbia 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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SUSAN BALLARD
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AARON TAKASAKI-YOUNG
DEPUTY CHIEFS

OUR REFERENCE

CT-LC

March 2, 2021

The Honorable Sylvia Luke, Chair
and Members
Committee on Finance
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 308
Honolulu, Hawaii 96813

Dear Chair Luke and Members:

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

Thank you for the opportunity to testify.

APPROVED:

Handwritten signature of Susan Ballard in black ink.

Susan Ballard
Chief of Police

Sincerely,

Handwritten signature of Calvin Tong in black ink.

Calvin Tong, Major
Traffic Division



Keiki Injury Prevention Coalition

Date: February 26, 2021

TO: Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair
Members of the House Committee on Finance

FR: Keiki Injury Prevention Coalition

RE: HB 1090 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 Luke, Vice-Chair Cullen, 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, Hawai'i 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



Tuesday, March 2, 2021 at 12:00 PM
Via Video Conference

Committee on Finance

To: Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

From: Lisa Dau
Coordinator, Safe Kids Hawaii Kapi'olani Medical Center for Women and Children

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

My name is Lisa Dau, and I am the Coordinator of Safe Kids Hawaii 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.

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.ⁱ Rear-facing car seats protect the head, neck, and spine of infants by redistributing crash forces over the entire body.ⁱⁱ

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.ⁱⁱⁱ 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.^{iv} 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.

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

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

ⁱⁱ 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>

ⁱⁱⁱ Advocates for Highway and Auto Safety. *17th 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>

^{iv} 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) REGARDING H.B. 1090**

Date: Tuesday, March 2, 2021

Time: 2:00 p.m.

To: Chair Sylvia Luke, and members of the House committee on Finance:

My name is Nahelani Webster and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) with comments regarding H.B. 1090, Relating to Child Passenger Restraints. We ask the committee to amend the bill by leaving in statute Section 291-11.5 (d).

We support the proper use of child passenger restraints and appreciate the legislatures 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.

One example of this scenario is if a drunk driver rear-ends a family in a van at a stoplight at a high rate of speed. 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.

Requesting that the committee to leave in statute the important language 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 2, 2021

Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair
Members of the Committee on Finance

RE: HB1090 Relating to Child Passenger Restraints. - SUPPORT

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.

Sincerely,

Liane Sumida

Liane Sumida
General Manager

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

Auto Club Enterprises provides service to more than 14 million members

