

SB-152-HD-1

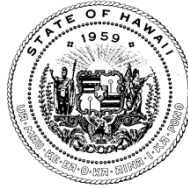
Submitted on: 3/28/2022 2:19:24 PM

Testimony for FIN on 4/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Christy Cowser	Hawaii Dept. Of Transportation	Support	Remotely Via Zoom

Comments:

Support staff for the Hawaii Dept. of Transportation.



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
ROSS M. HIGASHI
EDUARDO P. MANGLALLAN
PATRICK H. MCCAIN
EDWIN H. SNIFFEN

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

April 1, 2022
1:30 P.M.

State Capitol, Conference Room 308/Teleconference

S.B. 152, H.D. 1
RELATING TO CHILD PASSENGER RESTRAINTS

House Committee on Finance

The Department of Transportation (DOT) **supports** S.B. 152, H.D. 1, which amends requirements for the restraint of child passengers. This measure requires rear facing child passenger system with harness for children less than 2 years of age, requires the use of child safety restraints, requires booster seats for certain children less than 10 years of age, repeals exceptions for compliance, and raises certain fines for violations.

The DOT supports raising of the age for children to remain rear facing in a child safety restraint and increasing fines for violations occurring after the first offense. In addition, DOT supports the additional enhancement this measure provides to the booster seat requirement, which would apply to children up to age 10 except for children who are between 7 and 10 years old, that exceed 4 feet 9 inches in height.

The Hawaii Department of Health reports that 711 children were injured in crashes over the 5-year period of 2016-2020. Of those, 42 percent were under the age of 4 years old.

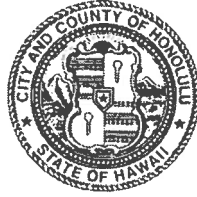
Currently, 16 states have requirements that children under the age of 2 be rear facing. It is recommended that the State of Hawaii adopt these requirements to reduce motor vehicle fatalities and serious injuries.

Thank you for the opportunity to provide testimony.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org

RICK BLANGIARDI
MAYOR



RADE K. VANIC
INTERIM CHIEF

OUR REFERENCE **BL-BL**

April 1, 2022

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: Senate Bill No. 152, H.D. 1, Relating to Child Passenger Restraints

I am Brian Lynch, Major of District 7 (East Honolulu) of the Honolulu Police Department (HPD), City and County of Honolulu.

The Honolulu Police Department supports passage of Senate Bill No. 152, H.D. 1, Relating to Child Passenger Restraints.

In the United States, motor vehicle injuries are the leading cause of deaths among children. The Centers for Disease Control and Prevention (CDC), in addressing child passenger safety, has conducted research that has demonstrated that the use of age and size appropriate child restraints is the best way to save lives and reduce injuries in a crash. Age and size appropriate car seats, booster seats, and seat belts can reduce serious and fatal injuries to children by 80 percent.

The HPD likewise recognizes the critical importance of age and size appropriateness of child restraints and supports these amendments to Hawaii Revised Statutes Section 291-11.5, which revise these guidelines to provide additional protection to child passengers in motor vehicles. It is believed that these revised guidelines, as well as the elimination of previously recognized exceptions, will ultimately save lives by minimizing the risk of death and serious injuries to child passengers of motor vehicles.

The Honorable Sylvia Luke, Chair
and Members
April 1, 2022
Page 2

The HPD supports passage of Senate Bill 152, H.D. 1, Relating to Child Passenger Restraints.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to be 'Brian Lynch', written in a cursive style.

Brian Lynch, Major
District 7

APPROVED:



Rade K. Vanic
Interim Chief of Police

**TESTIMONY OF EVAN OUE ON BEHALF OF THE HAWAII ASSOCIATION
FOR JUSTICE (HAJ) WITH COMMENTS REGARDING S.B. 152 HD1**

Date: Friday, April 1, 2022

Time: 1:30 p.m.

Aloha Chair Luke, Vice Chair Yamashita and members of the House Committee on
Finance:

My name is Evan Oue and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) with comments regarding SB 152 HD1, Relating to Child Passenger Restraints. We ask the committee to amend the bill to protect Hawaii's children by leaving in paragraph (d) of Hawaii Revised Statutes Section 291-11.5.

HAJ's primary concern is that the removal of Section 291-11.5(d) endangers the interests of Hawaii's children and sets bad public policy by relieving responsible parties from liability for harm they have caused. Maintaining the language of Section 291-11.5(d) to preclude contributory negligence, comparative negligence, and negligence per se arguments, in the context of restraining young children in motor vehicles, is better public policy to ensure that the responsibility for injuries to children goes to the individual who caused the harm.

An example of the harm that could result from repeal of paragraph (d): if a drunk driver crashes into a family in a van, the intoxicated person will be able to argue the child's injuries are 100% the parents' fault because they did not properly restrain their child. There's also a concern that repeal of this type of language could lead to further rollbacks in relation to the non-use of seat belts and helmets generally and invite victim-blaming by injury-causing parties.

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. However, HAJ respectfully requests that the committee preserve the important language of Section 291-11.5(d) to ensure that when an injury occurs the liable party may be held responsible. Doing otherwise is injurious to the interests of Hawaii's children.

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.



Friday, April 1, 2022, at 1:30 PM
House Conference Room 308 via Video Conference

House of Representatives: Committee on Finance

To: Representative Sylvia Luke, Chair
Representative Kyle T. Yamashita, Vice Chair

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

Re: Testimony in Supporting SB152 HD1 RELATING TO CHILD PASSENGER RESTRAINTS

My name is Lisa Dau, and I am the Injury Prevention Coordinator at Kapi'olani Medical Center for Women & Children and represent Safe Kids Hawai'i. Kapi'olani is the state's only maternity, newborn, and pediatric specialty hospital. It is also a tertiary care, medical teaching, and research facility. Kapiolani is the lead agency for Safe Kids Hawai'i, a local chapter of Safe Kids Worldwide with a global objective to reduce childhood injuries and deaths.

We support SB152 HD1, and all of the revisions indicated in the most recent version of the SB152 HD1 bill on behalf of Kapi'olani and Safe Kids Hawai'i. These changes would help keep children safe in cars from birth until they are old enough to use adult seat belts.

SB152 HD1 would make two important changes: it would require children to be secured in a rear-facing child safety car seat until they are two years old, and it would raise the age for booster seat use from eight to ten years old, as recommended by the American Academy of Pediatrics (AAP).

Since the AAP adopted the new guidelines, 16 states and DC require children younger than two years old to be in a rear-facing child seat and 14 states have an optimal booster seat law. With the passage of this bill and the proposals offered in this testimony, we expect to raise the numbers.

American Academy of Pediatrics. *Policy Statement – Child Passenger Safety*.
<https://publications.aap.org/pediatrics/article/142/5/e20182460/38530/Child-Passenger-Safety>
Advocates for Highway and Auto Safety. *19th Annual Roadmap of State Highway Safety Laws*.
<https://saferoads.org/wp-content/uploads/2022/01/FINAL-2022-Roadmap-of-State-Highway-Safety-Laws.pdf>



Keiki Injury Prevention Coalition

Date: March 29, 2022

TO: Rep. Sylvia Luke, Chair
Rep. Kyle T. Yamashita, Vice Chair
Members of the House Committee on Finance

FR: Keiki Injury Prevention Coalition

RE: SB 152, HD 1 - RELATING TO CHILD PASSENGER RESTRAINTS – **IN SUPPORT**

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

Dear Chair Luke, Vice Chair Yamashita, and members of the committee,

The Keiki Injury Prevention Coalition (KIPCC) **strongly supports SB 152, HD 1**. Injury is the leading cause of death and disability for children, responsible for more deaths of those age 1-17 years than all diseases combined. Motor vehicle safety has been KIPCC's major focus as traffic related injuries continue to be a leading cause of death and hospitalization for Hawaii's children and youth.

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. Child Car Seat Inspection Stations and community events statewide offer hands-on and virtual education free of charge.

We support requiring children to ride rear facing as long as possible and at least until age two years. The American Academy of Pediatrics "recommends that all children ride in a rear-facing car safety seat as long as possible, up to the manufacturer's stated weight and length limits. Currently, no manufacturer allows for any child under 12 months to ride forward-facing, and several require all children under 2 years to ride rear-facing." If enacted, Hawai'i will join 16 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 appropriate for their age and height.

Thank you for the opportunity to provide this testimony.

Karen Tessier, PhD, RN, CPSTI
Child Passenger Safety Program Coordinator
Keiki Injury Prevention Coalition

April 01, 2022

Representative Sylvia Luke, Chair
Representative Kyle T. Yamashita, Vice Chair
Members of the Committee on Finance

RE: SB152 HD1 Relating to Child Passenger Restraints. – **SUPPORT**

AAA Hawai'i strongly supports SB152 HD1. 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 25 other states who have adopted this new national standard to protect the most vulnerable and youngest motor vehicle passengers. In addition, SB152 HD1 strengthens the requirement to keep young children in child passenger restraint system up to age 10 or over 4 feet 9 inches in height.

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 strongly supports the provision in SB152 HD1 that requires all children age 2 and under to be properly restrained in a rear-facing child passenger restraint system with harness and children ages 2 to 4 in rear or forward-facing systems with harnesses. This bill would also extend the requirement to stay in either child restraint systems with harnesses or booster seats. Child passenger restraint systems or belt positioning booster seats should always be used until vehicle lap-and-shoulder belts fit properly for children whose weight or height exceed the forward-facing limit for their child safety seats. This is typically when they have reached 4 feet 9 inches in height and are between 8 and 12 years of age. SB152 HD1 specifies age 7 to 10 and 4 feet 9 inches in height.

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

Auto Club Enterprises provides service to more than 14 million members



Booster seats are also vital as motor vehicles crashes continue to be the leading cause of death for children ages 3 to 12 per the Center for Disease Control (CDC). Sadly, compliance with seat belt use tends to decline as children become older. In 2013, fewer than half of all children ages 4 to 7 (about 46 percent) were using booster seats according to the National Highway Safety Administration (NHSTA). We are confident the higher child safety standards imposed by SB 152 will improve conditions for our youngest and most vulnerable road users.

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 properly installed.

Since 1915, AAA Hawai'i has been a leader in motorist services and a strong advocate for traffic safety. With more than 171,000 members, traffic safety is cornerstone of our mission in the state. SB152 HD1 moves the state in the right direction in further improving the safety of children in automobiles. We respectfully urge your YES vote on SB152 HD1.

Respectfully Submitted,



Amanda Gualderama
Government Affairs Specialist
Gualderama.Amanda@aaa-calif.com



Liane Sumida
Regional Manager



March 31, 2022

House Committee on Finance
Representative Sylvia Luke, Chair
Hawaii State Capitol
Honolulu, HI 96813

RE: SB 152/ HB 1090 – Child Passenger Restraints

Dear Chair Luke, Vice Chair Yamashita and members of the House Committee on Finance,

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 current 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, height and age 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

JUVENILE PRODUCTS MANUFACTURERS ASSOCIATION, INC.

1120 Route 73, Suite 200 • Mt. Laurel, NJ 08054

TEL: 856.638.0420 • FAX: 856.439.0525

jpma@jpma.org • www.jpma.org

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 expressly state that the child restraint manufacturer instructions for height, weight, age and usage must be followed. 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 also supports the proposed expansion of requirements for booster seat use, but strongly recommends substituting correct seat belt fit for the necessary exception. 4'9" has been shown to be a median height for seat belt fit. It is not a reliable minimum determinant of seat belt readiness. In fact, that height may conflict with some upcoming child restraint manufacturer instructions in relation to certain vehicles. This is especially concerning for children between the ages of 8 and 10, based on CDC growth charts. Defining correct fit, however, is consistent with both child restraint manufacturer and vehicle manufacturer definitions, and is more readily observable and enforceable than an overall height.

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,

Joe Colella
Director of Child Passenger Safety
Juvenile Products Manufacturers Association

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.

SB-152-HD-1

Submitted on: 3/28/2022 9:02:48 PM

Testimony for FIN on 4/1/2022 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

This is just away to rip of the people in Hawaii. Forceing people to buy these seats and the Find them if they don't Complay this should be illegal. I am from here and we had no seats and we are all here today witch proves that this is just a scam buy the Government to make Money off the people Ripping them off again and again. We want an End to this Crap !!