

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

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

S.B. 152
RELATING TO CHILD PASSENGER RESTRAINTS

Senate Committee on Transportation

The Department of Transportation **supports** S.B. 152, 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 motor vehicle crashes over the 5-year period of 2016-2020. Of those, 42% were under the age of four.

Currently, 23 states, plus the 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.



Subject: **Support SB152**

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 SB152, which aligns Hawaii's law around policy with national best practices which keeps our youngest passengers in the safest seating positions and child passenger seats.

SB152 would encourage proper seating position and child passenger safety seats for all child occupants. According to Hawaii EMS-attended crashes from 2016 to 2020, by restraint status and patient condition, there is an association with child occupants as front seat or unrestrained who were more likely to be in "serious" or "critical" condition. SB152 requirements would place our youngest occupants in a safer seating position within the vehicle and seated in an appropriate child passenger seat for additional time. This will likely result in fewer serious or critical injuries.

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, 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.

Justin F. Kollar
Prosecuting Attorney



Rebecca Vogt Like
Second Deputy

Jennifer S. Winn
First Deputy

Diana Gausepohl-White
Victim/Witness Program Director

OFFICE OF THE PROSECUTING ATTORNEY

County of Kaua'i, State of Hawai'i

3990 Ka'ana Street, Suite 210, Līhu'e, Hawai'i 96766
808-241-1888 ~ FAX 808-241-1758
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THE HONORABLE CHRIS LEE, CHAIR
THE HONORABLE LORRAINE R. INOUE, VICE CHAIR
SENATE COMMITTEE ON TRANSPORTATION
THIRTY-FIRST STATE LEGISLATURE

Regular Session of 2021
State of Hawai'i

February 16, 2021

RE: S.B. 152 – RELATING TO CHILD PASSENGER RESTRAINTS

Chair Lee, Vice Chair Inouye, and members of the Senate Committee on Transportation, the Office of the Prosecuting Attorney of the County of Kaua'i SUPPORTS S.B. 152, updating Hawaii's child passenger restraint laws.

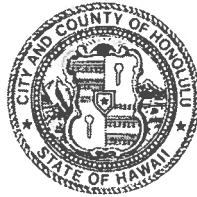
This Bill enhances child safety during vehicle transportation by requiring rear facing seats for children under 2 years old, increasing the threshold age for which safety or booster seats are required, increases the fines for violations of the amended sections, and removes the statutory bar on negligence claims for failure to comply with the section.

These amendments reflect a closer alignment to child passenger safety recommendations set out by the National Highway Transportation Safety Administration. Currently, twenty-three states, the District of Columbia, and the Virgin Islands require children younger than two be in a rear-facing child safety seat. Ensuring the safety of keiki during vehicle transport is a paramount issue for the State. The Honolulu Police Department reports that more than 700 keiki between the ages of 4 and 7 years old are involved in major crashes each year. This bill seeks to better protect the keiki involved in these collisions. Furthermore, by increasing the fines for violations by 150% the legislature is sending a clear message to adult drivers to properly secure keiki in vehicles during transportation to ensure their safety.

For these reasons, the Office of the Prosecuting Attorney supports the passage of S.B. 152. Thank you for this opportunity to testify.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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MAYOR

SUSAN BALLARD
CHIEF

JOHN D. McCARTHY
AARON TAKASAKI-YOUNG
DEPUTY CHIEFS

OUR REFERENCE **WO-BL**

February 18, 2021

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

Dear Chair Lee and Members:

SUBJECT: Senate Bill No. 152, Relating to Child Passenger Restraints

I am Walter Ozeki, 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, 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.

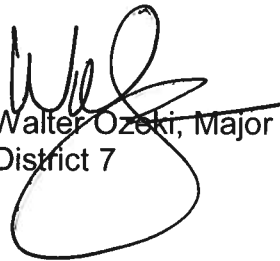
The HPD likewise recognizes the critical importance of age and size appropriateness of child restraints and supports these amendments to Hawaii Revised Statutes Section 291-11.5, which revise these guidelines to provide additional protection to child passengers in motor vehicles. It is believed that 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 Chris Lee, Chair
and Members
February 18, 2021
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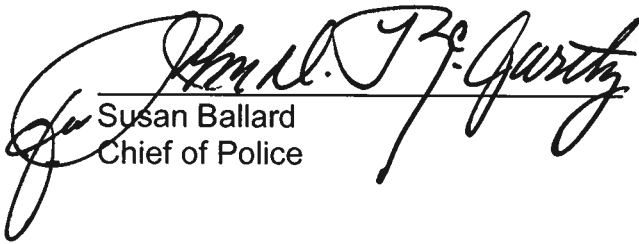
The HPD supports passage of Senate Bill 152, Relating to Child Passenger Restraints.

Thank you for the opportunity to testify.

Sincerely,


Walter Ozeki, Major
District 7

APPROVED:


Susan Ballard
Chief of Police



Keiki Injury Prevention Coalition

Date: February 12, 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: SB 152 - 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 Lee, Vice Chair Inouye and members of the committee,

The Keiki Injury Prevention Coalition strongly supports SB 152. 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, February 18, 2021 at 3:00 PM
Via Video Conference

Committee on Transportation

To: Senator Chris Lee, Chair
Senator Lorraine R Inouye, Vice Chair

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

**Re: Testimony in Support of SB 152
Relating to Child Passenger Restraints**

My name is Lisa Dau, and I am the Injury Prevention Coordinator at Kapi'olani Medical Center for Women and Children and also represent Safe Kids Hawaii. Kapi'olani 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 SB 152 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.

SB 152 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 SB152 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, SB152 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, 25 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 26 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, and 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>

February 18, 2021

Senator Chris Lee, Chair
Senator Lorraine R. Inouye, Vice Chair
Members of the Committee on Transportation
Hawaii State Capitol
Via Videoconference

RE: SB152 Relating to Child Passenger Restraints. - SUPPORT

AAA Hawaii strongly supports SB152 by Senator Lee. 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, Hawaii will join 15 other states who have adopted this new national standard to protect the most vulnerable and youngest motor vehicle passengers. In addition, SB152 strengthens the requirement to keep young children in booster seats and latter fitted lap-and-shoulder belts.

The American Academy of Pediatrics 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 also supports keeping children 2 years and older into forward facing child safety seats until they outgrow the weight and height limits for their rear facing seats. Afterwards, children whose weight or height is above the forward-facing limit for their child safety seat should then use a belt positioning booster seat until the vehicle lap-and-shoulder belt fits properly, which is typically when they have reached 4 feet 9 inches in height and are between 8 and 12 years of age. Accordingly, we support the provision in SB152 that extends the child safety seat requirement to age 4 and specifies all children to remain properly secured until over 4 feet 9 inches.

Booster seats are 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 SB152 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 170,000 members, traffic safety is cornerstone of our mission in the state. SB152 moves the state in the right direction in further improving the safety of children in automobiles. We respectfully urge your YES vote on SB152.

Sincerely,

Liane Sumida

Liane Sumida
General Manager

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

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February 17, 2021

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

RE: SB 152 – 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 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

JUVENILE PRODUCTS MANUFACTURERS ASSOCIATION, INC.

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jpma@jpma.org • www.jpma.org

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 black ink, appearing to read "Kelly Mariotti". The signature is written in a cursive, flowing style.

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.

**TESTIMONY OF NAHELANI WEBSTER ON BEHALF OF THE HAWAII
ASSOCIATION FOR JUSTICE (HAJ) REGARDING S.B. 152**

Date: Thursday, February 18, 2021

Time: 3:00 p.m.

To: Chair Chris 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) with comments regarding S.B. 152, Relating to Child Passenger Restraints. We ask the committee to amend the bill by leaving in statute Section 291-11.5 (d).

Keeping the language 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 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.

We support the proper use of child passenger restraints and appreciate the legislatures attempt to strengthen the requirements for use of child passenger restraints.

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.