

Traffic Safety Facts

Laws

DOT HS 810 728W

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Strengthening Child Passenger Safety Laws

Background

The National Highway Traffic Safety Administration supports the enactment of stronger child passenger safety laws that cover every child, in every seating position and in every vehicle. Traffic crashes are the leading cause of death in the United States for children from age 3 to 14. All 50 States, the District of Columbia, Puerto Rico, and the U.S. Territories have child passenger safety laws (“car seat laws”). However, many of these laws have significant gaps and exemptions in coverage that diminish the protection all children need in motor vehicles.

Key Facts

- During 2005, in the United States, an average of 5 children 14 and younger children were killed and about 640 were injured every day in motor vehicle crashes during 2005.
- During 2005, 7,493 passenger vehicle occupants 14 and younger were involved in fatal crashes.
- For those children whose restraint use was known, 31 percent were unrestrained; among those who were fatally injured, 53 percent were unrestrained.
- In 2005, a total of 414 (21%) of the fatalities among children 14 and younger occurred in crashes involving alcohol.
- Research has shown that lap/shoulder seat belts, when used correctly, reduce the risk of fatal injury to front-seat occupants (5 and older) in passenger cars by 45 percent and the risk of moderate-to-critical injury by 50 percent.
- Research on child safety seats has found them to reduce fatal injury by 71 percent for infants (younger than 1 year old) and by 54 percent for toddlers (1 to 4 years old) in passenger cars.

- All 50 States, the District of Columbia, Puerto Rico, and the U.S. Territories have some form of child passenger safety law.
- As of November 2006, 38 States and the District of Columbia have enacted provisions in their child passenger safety laws requiring the use of appropriate restraint device or booster seats by children who have outgrown their child safety seats but are too small for adult seat belts.

Essential Components of a Strong Law

NHTSA supports a National Committee on Uniform Traffic Laws and Ordinances (NCUTLO) “model law” advocating that all motor vehicle occupants (both children and adults) be covered at all times by an occupant protection law. A copy of this model law is available at www.ncutlo.org.

In 2005, NHTSA participated in a public/private sector partnership to develop a model law that focuses specifically on occupant protection for children. In 2006, the law was finalized and published by NCUTLO.

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Following is a list of components that make up a strong child passenger law:

■ **Cover all occupants up to age 16 in all seating positions.**

All child passenger laws should cover children up to age 16; the adult belt law should apply to all other occupants. Although some child passenger laws cover babies and young children, most laws do not protect children up to 16 in all seating positions. For example, in some States a 10-year-old can legally ride in the back seat without being secured because the seat belt laws in those States apply only to front-seat occupants;

■ **Primary enforcement.** All occupant protection laws for children should be primary enforcement laws, which allow a law enforcement officer to stop a vehicle and issue a citation when the officer observes an unrestrained occupant;

■ **Require child occupants to be properly restrained.** The law should explicitly require all children to be in an age- and size-appropriate restraint system. Currently, many States allow a child to be restrained in a seat belt even though a child safety seat or booster seat is the appropriate safety device for the child's age and size;

■ **Require child occupants younger than 13 to be seated in a rear seat.** The law should require all children younger than 13 who are riding in a vehicle with rear passenger seating to be properly secured in a rear seat unless all available rear seats in that vehicle are in use by other children younger than 13;

■ **Include all vehicles equipped with seat belts.** A strong child passenger law should apply to all vehicles that are equipped with seat belts; no vehicles (e.g., pickup trucks, rental cars, taxis) should be exempt;

■ **Make the driver responsible for restraint use by all children under 16.** A strong child passenger law should assign responsibility for restraint use to the driver, regardless of relationship to the child. Some laws assign responsibility to a parent or guardian, who may not even be in the vehicle;

■ **Allow passengers to ride only in seating areas equipped with seat belts.** A strong child passenger safety law should not include exemptions that allow children to be transported in seating areas not equipped with seat belts. This practice is extremely dangerous and places children at unnecessary risk for death or serious injury;

■ **Prohibit all passengers from riding in the cargo areas of pickup trucks.** A strong child passenger safety law should prohibit all passengers from riding in the cargo areas of pickup trucks. When all passengers are prohibited from riding in pickup truck cargo areas, chances are increased that children will not be allowed to ride there. Riding in the cargo area creates an unnecessary risk of death or injury. In a study conducted in Washington State, researchers found that people riding in cargo areas were nine times more likely to be killed when compared to the general population of those involved in crashes; and

■ **Children with special needs.** A strong child passenger safety law should assure that children with special needs have access to proper restraints for safe transportation.

Upgrade Child Safety Laws – Eliminate Exemptions

Many State laws have exemptions that allow children to ride unrestrained in certain vehicles and under certain circumstances. Listed below are exemptions and conditions that are included in many laws that leave children unprotected. These exemptions should be eliminated:

- Exemption for overcrowded vehicles. In nearly half of the States, children can ride unsecured if all seat belts are in use;
 - Exemption for "attending to the personal needs of the child." This exemption allows adults to carry children in their laps during feeding or other activities while the vehicle is in motion—behaviors which may lead to more severe injury in a vehicle crash;
 - Loose guidelines for issuing medical waivers that allow children with special medical needs to ride unrestrained. Advances in child restraint systems have made it possible to accommodate children with almost any type of physical disability. Such a condition should be stipulated in writing by a physician and this should be kept readily accessible in the vehicle at all times;
 - Exemption for out-of-State vehicles, drivers, and children. In some States, children are not required to be secured if the vehicle or driver is from
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another State. Laws should cover children at all times, even when they are in a vehicle that is just "passing through" a State or with a driver who holds an out-of-State license; and

- Exemption for drivers who are not the vehicle owner or who are not related to the children being transported. There are State laws that do not hold the driver accountable for unrestrained children.

Conduct Combined Public Awareness and Enforcement Campaigns

Research shows that high-visibility enforcement, accompanied by education and media, is most effective in raising occupant restraint use. Publicity campaigns should educate the public about the importance of proper child passenger protection and raise awareness of vehicle/child safety seat compatibility. Many parents and others who transport children do not understand the potential deadly results from a child seat or booster seat that is not properly used and secured in a vehicle. Enforcement campaigns should include information on correct use, as well as publicity to raise public awareness of the law and its enforcement.

Highway Safety Grant Programs For Occupant Protection Activities

On August 10, 2005, Congress enacted the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Pub. L. 109-59). In addition to providing funding for improving America's roadways, bridges and transit systems, this

comprehensive legislation provides funding for increasing seat belt and child safety seat use.

SECTION 402 STATE AND COMMUNITY HIGHWAY

SAFETY GRANTS provide funds to support State highway safety programs to reduce traffic crashes and resulting deaths, injuries, and property damage. A State may use these grant funds only for behavioral highway safety purposes; at least 40 percent of these funds are to be used to address local traffic safety problems.

SECTION 405 OCCUPANT PROTECTION INCENTIVE

GRANTS provide funds to encourage States to adopt and implement effective programs to reduce deaths and injuries from riding unrestrained or improperly restrained in motor vehicles. A State may use the grant funds only to implement and enforce occupant protection programs. A State is eligible for an incentive grant by adopting or demonstrating that it has implemented at least four of six qualifying criteria, including a complying child passenger law.

SECTION 406 SAFETY BELT PERFORMANCE GRANTS

provide funds to encourage the enactment and enforcement of safety belt laws requiring the use of safety belts in all passenger motor vehicles. A State may use these grant funds for any behavioral highway safety purpose or for any project that corrects or improves a hazardous roadway location or feature or proactively address highway safety problems. At least \$1 million of the amounts received by the States under this section are

obligated for behavioral highway safety activities under chapter 4 of title 23.

SECTION 2011 CHILD SAFETY AND BOOSTER SEAT INCENTIVE GRANTS

provide funds to States that are enforcing a law requiring any child riding in a passenger vehicle who is too large to be secured in a child safety seat to be secured in a child restraint that meets the requirement prescribed under section 3 of Anton's Law (49 USC 30127 note; 116 Stat.2772), for an appropriate child safety seat or booster seat.

To qualify for a grant under this program, a State child restraint law must not leave any gaps in coverage for children under 8 years old (e.g., gaps between coverage by a child safety seat and a booster seat.) A State law covering children under 8 years old, but excluding children who have attained a weight in excess of 65 pounds, will not be deemed ineligible under this grant program. In addition, consistent with long-standing NHTSA guidance on booster seat usage, a State law covering children under 8, but excluding children who have attained a height of 4 feet, 9 inches or taller will not be deemed ineligible under this grant program. Eligibility may also be contingent upon eliminating exemptions such as are described on the preceding page.

Up to 50 percent of the grant a State receives in a fiscal year may be used to fund programs for purchasing and distributing child safety seats and restraints to low-income families. The remaining amounts shall be used to carry out child safety seat and child restraint programs, including: enforcement of

child restraint laws; training of child passenger safety professionals, police officers, fire and emergency medical personnel, educators, and parents concerning all aspects of the use of child safety seats and child restraints; and educating the public concerning the proper use and installation of child safety seats and child restraints.

References

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