



**House
Legislative
Analysis
Section**

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CHILD SAFETY BOOSTER SEATS

House Bill 4821 as introduced

Sponsor: Rep. Laura Toy

House Bill 4822 (Substitute H-1)

Sponsor: Rep. Patricia Lockwood

First Analysis (6-12-01)

Committee: Transportation

THE APPARENT PROBLEM:

Lap-shoulder seat belts in vehicles are designed to fit average-sized adults. Consequently, the seat belts do not protect children until they stand about 4 feet 9 inches and weigh at least 80 pounds, which usually occurs when children are about 9 years old.

According to the National Highway Traffic Safety Administration, more than 500 children between the ages of 4 and 8 years old die each year in traffic accidents. Ten children in Michigan died in car accidents in 1999. Many who become traffic fatalities have not used seat belts.

In fact, studies have found that after age three when children outgrow a typical convertible or toddler seat, they run an extra risk of injury in car crashes because nearly one-third ride completely unbelted. However, even belted they are at risk of injury, since more than 90 percent ride without proper safety booster seats designed for children between 40 and 80 pounds. Absent a properly designed booster seat, any safety belt a child between ages 4 and 9 might have fastened is generally ineffective, because it fits improperly. In contrast, a booster seat protects them. According to a report in the *Flint Journal* (4-25-01), physicians at the Children's Hospital of Philadelphia have been collecting data on child crash injuries since 1998, and they have found that children who wear booster seats are at least half as likely to be injured.

In an effort to ensure a proper lap and shoulder safety belt fit for child passengers riding in automobiles, the Ford Motor Company has developed an educational campaign to "Boost America." The campaign's purpose is to tell adults that a booster seat placed under lap- and shoulder-belted children who weigh between 40 and 80 pounds increases their safety. See **BACKGROUND INFORMATION** below. According to committee testimony, the Ford Motor Company fund and its safety partners intend to give away one million belt-positioning booster seats (sometimes

called BPBs), half of them to low-income families, beginning during the summer of 2001.

In order to protect children and require the use of belt-positioning-booster seats, legislation has been introduced to require booster seat use when children are passengers in vehicles.

THE CONTENT OF THE BILLS:

These bills would require child safety booster seats for youngsters between 4 and 9 years old, and under 4 feet 9 inches and 80 pounds, and waive the fine for violation of this requirement under certain conditions. The bills would take effect on April 1, 2002, and they are tie-barred to each other so that one could not become law unless the other also were enacted. A more detailed description of each bill follows.

Currently, the law requires that each driver and front seat passenger of a motor vehicle wear a properly adjusted and fastened safety belt, except that a child less than four years old must be protected in a child restraint system that meets standards specified in Chapter 49 of the Code of Federal Regulation (CFR) 571.213. House Bill 4822 would amend the Michigan Vehicle Code (MCL 257.710e) to retain these provisions, and also to require that a child more than 4 years but less than 9 years old, who weighed at least 40 pounds but not more than 80 pounds, and a child who was not more than 4 feet 9 inches in height, be seated in a manufacturer-certified booster seat, and be secured by a seat belt.

House Bill 4821 would amend the Michigan Vehicle Code (MCL 257.907) to specify that in certain circumstances a court would be required to waive any civil fine or costs against a person who received a civil infraction citation for a violation of the new section of the law that would be created by House Bill 4822. Specifically, the fine would be waived if

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the person supplied the court with evidence of acquisition, purchase, or rental of a manufacturer-certified booster seat before the appearance date on the citation. Currently this waiver provision of the law applies only to those cited for violating the rule that children under four years old be secured in a child restraint system.

[Note: According to the Office of the State Police, a violation of this booster seat requirement would be a matter for "primary enforcement," as the bill is currently drafted. A law enforcement officer could, then, stop a car to cite only a booster seat violation of the vehicle code.]

BACKGROUND INFORMATION:

There are two types of booster seats, those with high backs and those that are backless. Both can be used in any vehicle in a seating position equipped with lap-shoulder belts. However, adults caring for children are advised never to use a booster seat with a lap belt only, unless permitted by the booster seat manufacturer to do so. Using a booster without a shoulder belt increases the risk of a child's head hitting a hard surface in a crash.

Belt-positioning booster seats (BPBs) require both lap and shoulder belts to provide protection. They should be used in the back seat of an automobile, and in a way that ensures a child's head is supported against the back seat, and does not extend above the top of the seat.

For further information about booster seat safety, visit the web site of the highway safety campaign promoted by the Ford Motor Company Fund and its safety partners at www.boostamerica.org.

For further information about child safety, visit the web site of the National Safe Kids Campaign at www.safekids.org.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, House Bill 4822 would have no fiscal impact on state or local government. House Bill 4821 would result in indeterminate costs and revenues for local units of government, and would have no state fiscal impact. (6-11-01)

ARGUMENTS:

For:

Children who have outgrown their convertible/toddler seats (usually around 40 pounds and 4 years old) should be seated in a belt-positioning booster (sometimes called a BPB) in order to be well-protected while riding in an automobile. Belt-positioning booster seats help ensure that lap-shoulder safety belts which are designed to protect adults, also properly fit and protect a youngster. A BPB also gives a child a more comfortable seating position, helping him or her to see out the window, and making it more fun to go for a ride. A comfortable child is more likely to stay buckled up, and a buckled-up child is more likely to survive an auto accident.

For:

Encouraging adults to use belt-positioning-booster seats for youngsters is a nationwide safety education program. As part of the effort, state legislators are asked to pass laws to amend their state vehicle codes that require booster seat use when adults are transporting young children. According to an article entitled "Son's death fuels mother's fight for booster seat laws" published by the *Flint Journal* (4-24-01), three states already require belt-positioning-boosters: Washington, California, and Arkansas. Michigan, too should meet the safety standard recommended by the National Highway Traffic Safety Administration. When unrestrained in a 30 mile per hour crash, a child can be thrown forward with a force equal to 30 times his or her own weight. This situation can be prevented if children are safely secured in belt-positioning-booster seats when they are traveling in a motor vehicle.

Against:

The cost of belt-positioning-booster seats ranges from \$20 to \$120. Low-income families may be unable to afford the belt-positioning booster seats, especially if they have two or three children and a booster seat is required for each child. Low-income parents could be fined and or jailed if they are ticketed because their children are not using booster seats.

Response:

The Ford Motor Company will undertake a nationwide booster seat distribution program beginning during the summer of 2001. One million booster seats will be distributed, and half are targeted to low-income families who will be provided vouchers through the offices of local United Way agencies that can be redeemed at Toys R Us stores

throughout the country. The other half of the seats will be distributed through Ford dealerships. Twenty-five thousand (25,000) booster seats will be distributed in Michigan. According to committee testimony, the booster seat distribution program is part of a \$30 million safety education effort that Ford will sponsor in daycare centers and elementary schools throughout the country.

Against:

This legislation is an inadequate solution to what is, essentially, a problem of improper auto design. Since auto manufacturers acknowledge that shoulder and lap safety belts are not adequate for younger and smaller passengers, they should (and could) design safer permanent seats for young children. In the absence of safer permanent designs, the manufacturers should at least bear the cost of the booster seats. They could, for example, issue a voucher whenever a new vehicle was sold, that would be redeemed for a booster seat by the new car buyer.

Against:

Although child safety is very important, the rules to ensure safer rides for small passengers need not be enacted into state law. Instead, these matters should be left to the responsibility of parents and grandparents.

POSITIONS:

The Ford Motor Company supports the bills. (6-6-01)

The Automobile Association of America (AAA) supports the bills. (6-6-01)

The Traffic Safety Association supports the bills. (6-6-01)

Analyst: J. Hunault

■This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.