

## **Child Passenger Restraint Legislation Issue Summary**

### **The Problem of the Forgotten Child: Too Large for Child Safety Seats, Too Small for Adult Seatbelts**

- Seatbelts designed to accommodate a large adult frame utilizing the bony structures of the ribcage and pelvis to absorb the impact, do not fit or properly restrain a child 4 to 8 causing a group of injuries often referred to as seatbelt syndrome.
- On impact, the shoulder harness, which strikes the child at head or neck level, does not restrain the upper body allowing it to be thrust forward on impact causing injuries to the head and spine. Ejection from the vehicle is also made much more likely.
- The lap belt, designed to go across the bones of the adult pelvis, strikes the 4 to 8 year old in the abdomen, making them prone to abdominal and spinal cord injuries.

### **Highlights of Medical Research Since 2001**

- Children ages 4 to 8 using booster seats are 59% less likely to be injured than children using seatbelts alone (Journal of the American Medical Association, 2003).
- Children in seatbelts alone are 4 to 5 times more likely to receive head injuries (Pediatrics, 2002).
- Children in seatbelts alone are 3 times more likely to sustain abdominal injuries. (Annals of Surgery 2004)
- Children who are appropriately restrained are 28% less likely to die in motor vehicle crashes. (The Archives of Pediatric and Adolescent Medicine, 2006)

### **The Solution: To Regulate or Not to Regulate**

- Since 2001, numerous governmental, medical, law enforcement, and child advocacy groups have provided parental education, child restraint inspections and distribution of thousands of free devices, but the majority of 4 to 8 year olds are still not properly restrained.
- Research has shown that parents look to state law for appropriate standards and state law as a tool to explain to older children that proper restraints are nonnegotiable (Pediatrics, 2002).
- Some car manufacturers are making integrated child safety restraints, but federal law does not require them to do so. If integrated seats were required, it could take 20 years for the majority of cars without restraints to go out of use; everyone would have to pay for them regardless of need; and they cannot be transferred to other vehicles.
- The state's duty to protect a child is greater than that for an adult because children cannot weigh the risks and benefits for themselves. In the case of age appropriate vehicle occupant restraints, the state does not allow the adults to choose for themselves.

### **Enforcement**

- A law requiring children ages 4 to 8 to be in belt positioning booster seats using age based criteria alone eliminates the need for measurement of height or weight at the roadside, which subjects the officer and child to injury.
- Age requirements can be confirmed with little room for challenges to interpretation and are currently used by law enforcement for child safety seats for children under 4.
- Exemptions for broad classes of extended relatives, car pools, or extenuating circumstances make the law unenforceable and have caused interpretation problems resulting in litigation in other states. Exemptions for extenuating circumstances are inconsistent with the bulk of other traffic laws that do not have similar exemptions.

- Booster seats are small enough to easily store in the trunk or rear compartment of vehicles regularly used to transport children and are easily transferred from one vehicle to another.
- Primary enforcement dramatically increases compliance.
- A period of time without fines or points could help with the transition to booster seats. Subsequently, fines and points could be waived with purchase of a booster seat or for receiving education.

### **Economics**

- Booster seats can cost as little as \$14.83.
- A study by NHTSA since 2001 using 2000 calendar year data calculates the US economic costs of an average roadway fatality at \$977,000 and estimates the economic costs associated with a critically injured crash survivor at \$1.1 million. 75% of accident costs are paid by entities and individuals not involved in the crash. NHTSA listed the economic cost of motor vehicle accidents yearly in Florida to be \$14,403,000,000,00. (*The Economic Impact of Motor Vehicle Crashes 2000*, National Highway Traffic Safety Administration.)
- The cost of motor vehicle crashes in the U.S. has reached \$230.6 billion a year, or 2.3 percent of the U.S. Gross Domestic Product, about \$820 for every person in the U.S.
- About 9 percent of costs from motor vehicle crashes are paid from public revenues. Federal Revenues account for 6 percent, while states and localities pay about 3 percent.
- Florida's trauma centers like others in the U.S. are struggling with staggering budget shortfalls in part due to uncompensated care and have sought government funding.
- The low-income family is most disadvantaged by current laws. Poverty level parents may be 1) less likely to subscribe to magazines and newspapers to learn about the problem, 2) less likely to have regular well-child visits to a pediatrician who would tell them about the problem, 3) less willing to buy the booster seats if not required, 4) less likely to have late model cars with additional safety features, 5) less able to afford long term medical care if accidents occur.
- NHTSA currently has a grant program for states passing booster seat legislation. Numerous law enforcement, medical, and child advocacy groups are involved in providing free devices.

### **Tourism**

- Since 2001, 37 states and D.C. have enacted booster seat legislation, including our neighbors, Georgia, South Carolina and Tennessee, lessening some of the concerns about tourists traveling into our state from states without booster seat laws.
- Because over half of the states have booster seat laws, the traveling public is much more likely to inquire about booster seat requirements in states they will be visiting.
- Many of Florida's tourism based businesses are in other states with booster seat laws (including California and New York) and are experienced in working with them.
- Booster Seat legislation typically requires rental car companies to provide booster seats and inform parents of booster seat laws.
- Vehicles of 10 passengers or more are typically exempt from booster seat laws.
- The needs of Florida's tourism industry that is so vital to Florida's economy can be balanced with the need to keep children traveling Florida highways safer.
- Because our state is known around the world as a top travel destination for children, our state should also be known as one of the safest for children.

### **Contact**

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