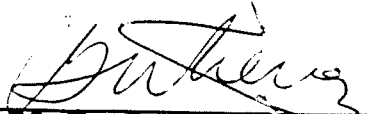


EIGHTEENTH GUAM LEGISLATURE
1986 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

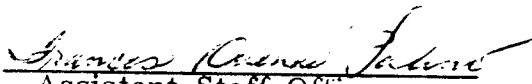
This is to certify that Substitute Bill No. 50 (LS), "AN ACT TO ADD A NEW 16 GCA CHAPTER 26 RELATIVE TO REQUIRING THAT CHILDREN UNDER THE AGE OF TWELVE BEING TRANSPORTED IN CARS, VANS OR PICKUP TRUCKS BE SECURED BY A CHILD RESTRAINT SYSTEM, SEAT BELTS OR HARNESSSES, AND FOR OTHER PURPOSES," was on the 26th day of November, 1986, duly and regularly passed.


CARL T. C. GUTIERREZ
Speaker

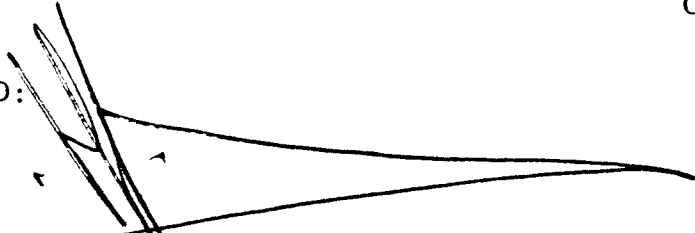
Attested:


ELIZABETH P. ARRIOLA
Senator and Legislative Secretary

This Act was received by the Governor this 28th day of November, 1986, at 4:00 o'clock P.m.


Francis Rosendo Talavera
Assistant Staff Officer
Governor's Office

APPROVED:


RICARDO J. BORDALLO
Governor of Guam

Date: 12/10/86 (12:20 AM)

Public Law No. 18-45

EIGHTEENTH GUAM LEGISLATURE
1986 (SECOND) Regular Session

Bill No. 50 (LS)

As substituted by the Committee
on Federal, Foreign and Legal
Affairs

Introduced by:

E. P. Arriola
F. R. Santos

AN ACT TO ADD A NEW 16 GCA CHAPTER 26
RELATIVE TO REQUIRING THAT CHILDREN UNDER
THE AGE OF TWELVE BEING TRANSPORTED IN CARS,
VANS OR PICK-UP TRUCKS BE SECURED BY A CHILD
RESTRAINT SYSTEM, SEAT BELTS OR HARNESES,
AND FOR OTHER PURPOSES.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. A new Chapter 26 is added to 16 GCA to read:

3 "Chapter 26

4 Child Restraint Devices

5 §26101. The driver of a car, van or pickup truck in which a
6 child under two years of age is being transported shall secure such
7 child during transit by a child passenger restraint system which meets
8 federal motor vehicle safety standards, in accordance with the
9 manufacturer's operating instructions, provided that if a child under
10 two years of age has outgrown a standard size child passenger
11 restraint system, the driver shall secure the child by federally
12 approved safety belts or safety harnesses.

13 §26102. The driver of a car, van or pickup truck in which a
14 child two years of age or more but under twelve years of age is being
15 transported shall secure such child during transit by either a child
16 passenger restraint system that meets federal motor vehicle safety
17 standards and is used in accordance with the manufacturer's operating
18 instructions, or by federally approved safety belts or safety
19 harnesses.

1 §26103. Each driver and front seat passenger of a car, van or
2 pickup truck shall wear a properly adjusted and fastened seat safety
3 belt.

4 §26104. Any driver of a car, van or pickup truck who violates
5 §26101, §26102 or §26103 of this Chapter is guilty of a misdemeanor
6 and subject to penalties pursuant to §26105 of this Chapter.

7 §26105. Penalties. (a) An operator convicted of failing to
8 secure a child with a child passenger restraint system in violation of
9 §26101, §26102 or violates §26103 shall be fined a sum no greater than
10 Fifty Dollars (\$50.00).

11 (b) The penalty pursuant to subsection (a) of this Section shall
12 be suspended in the case of a person who has never before been
13 convicted of a violation of §26101 or §26102 of this Chapter and who
14 did not own a child passenger restraint system that met federal safety
15 standards at the time of the violation, provided that such person
16 establishes to the satisfaction of the court, within a reasonable period
17 of time as set by the court, that such person owns such a child
18 passenger restraint system.

19 (c) A driver shall be exempted from the penalty pursuant to
20 subsection (a) of this Section in the case of a child who for medical or
21 physical reasons is unable to utilize a child passenger restraint
22 system."

23 Section 2. Section 1 of this Act is effective one (1) year after the
24 date of enactment.

25 Section 3. (a) The sum of Seven Hundred Thousand Dollars
26 (\$700,000) is appropriated from the General Fund to the Legislature
27 Operations Fund for the payment of accrued annual leave of the Eighteenth
28 Guam Legislature.

29 (b) The sum of Three Hundred Thousand Dollars (\$300,000) is
30 appropriated from the General Fund to the Legislature Operations Fund as
31 an interim appropriation to be used to meet obligations incurred by the
32 Eighteenth Guam Legislature for the Nineteenth Guam Legislature.

1 (c) The sum of Ten Thousand Dollars (\$10,000) is appropriated from
2 the General Fund to the Legislature Operations Fund for the purpose of
3 conducting the inauguration of the Nineteenth Guam Legislature.

4 (d) The Chairperson of the Committee on Rules of the Eighteenth
5 Guam Legislature may authorize expenditure of funds appropriated in
6 Subsections (a), (b), and (c) of this Section prior to January 5, 1987.

7 Section 4. A new Section 13213.7 is added to the Government Code to
8 read:

9 "Section 13213.7. (a) The road in Macheche Village Subdivision
10 in the municipality of Dededo known as Road A is renamed to be
11 Hibiscus Street.

12 (b) The road in Macheche Village Subdivision in the municipality
13 of Dededo known as Road B is renamed to be Plumeria Street.

14 (c) The road in Macheche Village Subdivision in the municipality
15 of Dededo known as Road C is renamed to be Lemon China Street.

16 (d) The road in Macheche Village Subdivision in the municipality
17 of Dededo known as Road D is renamed to be Orchid Way.

18 (e) The road in Macheche Village Subdivision in the municipality
19 of Dededo known as Road E is renamed to be Magof Drive.

20 (f) The portion of the road in Macheche Village Subdivision in
21 the municipality of Dededo known as Road F which is west of Road C
22 is renamed to be West Buttercup Loop.

23 (g) The portion of the road in Macheche Village Subdivision in
24 the municipality of Dededo known as Road F which is east of Road C is
25 renamed to be East Buttercup Loop.

26 (h) The road in Harmon Court Subdivision in the municipality of
27 Dededo known as Road A is renamed to be Kayon Tun Francisco.

28 (i) The road in Harmon Court Subdivision in the municipality of
29 Dededo known as Road B is renamed to be Kayen Cascado.

30 (j) The road in Harmon Court Subdivision in the municipality of
31 Dededo known as Loop C is renamed to be Biradan Tan Rita.

32 (k) The road in GHURA 35 in the municipality of Dededo known
33 as Road A is renamed to be West San Antonio Street.

1 (1) The road in GHURA 35 in the municipality of Dededo known
2 as Road B is renamed to be Kayon R. S. San Agustin

3 (m) The road in GHURA 35 in the municipality of Dededo known
4 as Road C is renamed to be Kayen J. P. Mali."

EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) Regular Session

Introduced

JAN 14 '85

Bill No. 50 (LS)

Introduced by:

E. P. Arriola *epa*

**AN ACT TO REQUIRE CHILDREN UNDER THE AGE OF FIVE
BEING TRANSPORTED IN CARS, VANS OR PICKUP TRUCKS
TO BE SECURED BY CHILD RESTRAINT SYSTEMS OR SEAT
BELTS, OR HARNESES.**

1 **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**

2 **Section 1.** A new Chapter XI of Title XXIV of the Government Code is enacted to read:

3 **CHAPTER XI**

4 **CHILD RESTRAINT DEVICES**

5 **Section 23570.** A child under two years of age who is being transported in a
6 car, van or pickup truck shall be secured during transit by a child restraint system
7 which meets federal motor vehicle safety standards and the system shall be used
8 in accordance with the manufacturer's instructions.

9 **Section 23571.** A child at least two years of age but under five years of age
10 who is being transported in a car, van or pickup truck shall be secured during transit
11 by either a child restraint system that meets federal motor vehicle safety standards
12 and used in accordance with the manufacturer's instructions or by approved safety
13 belts or safety harnesses.

14 **Section 23572.** Any operator of a car, van or pickup truck who violates Sections
15 23570 or 23571 is guilty of a misdemeanor and subject to the penalty provisions
16 of Section 23574.

17 **Section 23573.** A person who is first charged with a violation of Sections 23570
18 or 23571 shall not be convicted if the person produces in Court, with a reasonable
19 time, proof that the person has purchased or otherwise acquired a child restraint
20 system which meets federal motor vehicle safety standards. The provision of this
21 section shall not be available to a person except for a first charge.
22

1 **Section 23574.** An operator convicted for failing to secure a child with a child
2 restraint system, safety belt, or harness in violation of Section 23570 or 23571
3 shall be fined no more than Five Hundred Dollars (\$500.00).

4 **Section 2.** Sections 23570 through 23574 shall take effect one (1) year from the passage
5 of this Act to give retailers time to stock sufficient child restraint systems which meet federal
6 motor vehicle safety standards to meet the demands of Guam's consumers.

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EIGHTEENTH GUAM LEGISLATURE

ROLL CALL SHEET

(P.L. 18-45)
 Bill No.: 50

DATE: 11-26-86

Resolution No.: _____

QUESTION: _____

<u>SENATOR</u>	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
J. F. Ada				✓
J. P. Aguon	✓			
E. P. Arriola	✓			
J. G. M. Bamba	✓			
F. F. Blas				✓
H. D. Dierking	✓			
E. R. Duenas	✓			
C. T. C. Gutierrez	✓			
F. J. Gutierrez				✓
A. C. Lamorena III	✓			
P. C. Lujan	✓			
M. D. A. Manibusan	✓			
 	/	/	/	/
T. S. Nelson				✓
D. Parkinson				✓
F. J. Quitugua	✓			
J. M Rivera	✓			
J. T. San Agustin	✓			
F. R. Santos	✓			
T. V. C. Tanaka	✓			
A. R. Unpingco				/

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EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) Regular Session

Bill No. 50

Introduced by:

E. P. Arriola
F. R. Santos

As substituted by
the Committee on Federal,
Foreign and Legal Affairs.

AN ACT TO ADD A NEW 16 GCA CHAPTER 26 RELATIVE
TO REQUIRING THAT CHILDREN UNDER THE AGE OF
TWELVE BEING TRANSPORTED IN CARS, VANS OR PICK-
UP TRUCKS BE SECURED BY A CHILD RESTRAINT
SYSTEM, SEAT BELTS OR HARNESSSES, *+ for other purposes.*

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. A new Chapter 26 is added to 16 GCA to read:

"Chapter 26

CHILD RESTRAINT DEVICES

Section 26101. The driver of a car, van or pickup truck in which a child under two years of age is being transported shall secure such child during transit by a child passenger restraint system which meets federal motor vehicle safety standards, in accordance with the manufacturer's operating instructions, provided that if a child under two years of age has outgrown a standard size child passenger restraint system, the driver shall secure the child by federally approved safety belts or safety harnesses.

Section 26102. The driver of a car, van or pickup truck in which a child two years of age or more but under twelve years of age is being transported shall secure such child during transit

02 JTS 4 24 v B 959

by either a child passenger restraint system that meets federal motor vehicle safety standards and is used in accordance with the manufacturer's operating instructions, or by federally approved safety belts or safety harnesses.

Section 26103. Any driver of a car, van or pickup truck who violates Section 26101 or Section 26102 of this Chapter is guilty of a misdemeanor and subject to penalties pursuant to Section 26104 of this Chapter.

Section 26104. Penalties.

(a) An operator convicted of failing to secure a child with a child passenger restraint system in violation of Section 26101 or 26102 shall be fined a sum no greater than Fifty Dollars (\$50.00).

(b) The penalty pursuant to subsection (a) of this Section shall be suspended in the case of a person who has never before been convicted of a violation of Section 26101 or Section 26102 of this Chapter and who did not own a child passenger restraint system that met federal safety standards at the time of the violation, provided that such person establishes to the satisfaction of the court, within a reasonable period of time as set by the court, that such person owns such a child passenger restraint system.

(c) A driver shall be exempted from the penalty pursuant to subsection (a) of this Section in the case of a child who for medical or physical reasons is unable to utilize a child passenger restraint system."

Section 2. Section 1 of this Act is effective one (1) year after the date of enactment.

TRUST 250
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SECTION 23572 EACH DRIVER AND FRONT
SEAT PASSENGER OF A ^{CAR VAN OR PICK-UP TRUCK} ~~PROTOR~~ ~~VEHICLE~~ SHALL WEAR A
PROPERLY ADJUSTED AND FASTENED SEAT SAFETY BELTS.

3 / 1 2 Year

Remember

23572 BECOMES 23573

ADD 2357A ON 2ND LINE AND

CHANGE LAST SEC. # FROM 23574 TO 23575

23573 BECOMES 23574

ADD 23572 ON 2ND LINE

23574 BECOMES 23575

~~23575~~

SECTION 2

23570 THROUGH 23574 BECOMES

23570 THROUGH 23575

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struction of boat launching ramp, restroom facilities and picnic shelters and
e facilities in the village of Inarajan.

Section 31. The sum of Fifty Thousand Dollars (\$50,000) is appropriated from
the General Fund to the Department of Parks and Recreation for the fiscal year 1987
operations and maintenance of the Veteran's cemetery.

Section 32. (a) The sum of Seven Hundred Thousand Dollars (\$700,000) is
appropriated from the General Fund to the Legislature Operations Fund for the
payment of accrued annual leave of the Eighteenth Guam Legislature.

(b) The sum of Three Hundred Thousand Dollars (\$300,000) is appropriated from
the General Fund to the Legislature Operations Fund as an interim appropriation to be
used to meet obligations incurred by the Eighteenth Guam Legislature for the
Nineteenth Guam Legislature.

(c) The sum of Ten Thousand Dollars (\$10,000) is appropriated from the General
Fund to the Legislature Operations Fund for the purpose of conducting the
inauguration of the Nineteenth Guam Legislature.

(d) The Chairperson of the Committee on Rules of the Eighteenth Guam
Legislature may authorize expenditure of funds appropriated in Subsections (a), (b),
and (c) of this Section prior to January 5, 1987.

Section 33. The sum of Six Hundred Thousand Dollars (\$600,000) is appropriated
from the General Fund to the Department of Labor to cover liabilities to be paid from
Workers' Compensation government of Guam Special Fund established pursuant to
Section 37042 of the Government Code.

Section 34. (a) The sum of Thirteen Million One Hundred Twenty Four
Thousand Three Hundred Forty-two Dollars (\$13,124,342) is appropriated from the
General Fund to the Guam Power Authority for the purpose of liquidating metered
billings and penalties incurred by government of Guam line agencies and autonomous
agencies, for the periods ending September 30, 1986.

(b) The Guam Power Authority is prohibited from charging penalties and interest
in excess of twelve percent (12%) per annum.

Section 35. A new Section 6130 is added to the Government Code to read:

"Section 6130. Consolidated Power Bill Fund. There is hereby created within
the Executive Branch a Special Fund designated the 'Consolidated Power Bill
Fund', to be maintained separate and apart from the General Fund. Effective
November 1, 1986, all sums appropriated for 'power' for all line agencies of the
Executive Branch, including the Department of Education, which sums remain
unexpended from current year funding, are hereby transferred and

Section 20. The sum of Fifteen Thousand Dollars (\$15,000) is appropriated from the General Fund to the Public Utility Agency of Guam for the extension of 882 LF of 2" water line to serve the customers at the vicinity of Pagat, Mangilao.

Section 21. Subsections (d) and (e) of 4 GCA §4302 are repealed.

Section 22. The sum of Twenty-one Thousand Five Hundred Dollars (\$21,500) is appropriated from the General Fund to the Department of Administration for the purpose of hiring an Actuarial Service Consultant in the negotiation of the 1987 government of Guam Group Health Insurance.

Section 23. The sum of Thirty Thousand Dollars (\$30,000) is appropriated from the General Fund to the Department of Public Health and Social Services to provide for emergency funding for services for battered and abused spouses. This appropriation is available until funds are fully expended.

Section 24. A new Section 13213.7 is added to the Government Code to read:

"Section 13213.7. (a) The road in Macheche Village Subdivision in the municipality of Dededo known as Road A is renamed to be Hibiscus Street.

(b) The road in Macheche Village Subdivision in the municipality of Dededo known as Road B is renamed to be Plumeria Street.

(c) The road in Macheche Village Subdivision in the municipality of Dededo known as Road C is renamed to be Lemon China Street.

(d) The road in Macheche Village Subdivision in the municipality of Dededo known as Road D is renamed to be Orchid Way.

(e) The road in Macheche Village Subdivision in the municipality of Dededo known as Road E is renamed to be Magof Drive.

(f) The portion of the road in Macheche Village Subdivision in the municipality of Dededo known as Road F which is west of Road C is renamed to be West Buttercup Loop.

(g) The portion of the road in Macheche Village Subdivision in the municipality of Dededo known as Road F which is east of Road C is renamed to be East Buttercup Loop.

(h) The road in Harmon Court Subdivision in the municipality of Dededo known as Road A is renamed to be Kayon Tun Francisco.

(i) The road in Harmon Court Subdivision in the municipality of Dededo known as Road B is renamed to be Kayen Cascado.

(j) The road in Harmon Court Subdivision in the municipality of Dededo known as Loop C is renamed to be Biradan Tan Rita.

(k) The road in GHURA 35 in the municipality of Dededo known as Road A is renamed to be West San Antonio Street.

(l) The road in GHURA 35 in the municipality of Dededo known as Road B is renamed to be Kayon R. S. San Agustin

(m) The road in GHURA 35 in the municipality of Dededo known as Road C is renamed to be Kayen J. P. Mali."

Section 25. Notwithstanding any other provision of law, the sum of Two Thousand Five Hundred Seven Dollars (\$2,507.00) from the Guam Power Authority Revenue Fund shall be utilized for power extension to residential area of NCS-Dededo covered under J.O. 431070000616206. This Section shall be effective July 8, 1986.

Section 26. Item (a) (iv) of Section 31 of Chapter X of Public Law 18-15 is amended to read:

"(iv). The sum of [One Million One Hundred Thousand Dollars (\$1,100,000.00)] One Million Four Hundred Fifty Thousand Dollars (\$1,450,000) is appropriated from the General Fund to the Department of Revenue and Taxation for the purpose of funding the triennial real property tax valuation mandated by Section 19302.1 of the Government Code and for mapping purposes."

Section 27. The sum of One Hundred Ninety-one Thousand Dollars (\$191,000) is appropriated from the General Fund to the Department of Revenue and Taxation for the procurement of vehicle license plates.

Section 28. The sum of Two Million Six Hundred Thousand Dollars (\$2,600,000) is appropriated from the General Fund to the Department of Public Works to enlarge and expand the Mamajanao Pump Station to compensate for increased wastewater flow from the Tumon Bay area.

Section 29. Subsection 3 (c) of Chapter I of P.L. 18-15 is amended to read:

"(c) The sum of [One Hundred Fifty Thousand Dollars (\$150,000)] One Hundred Seventy Thousand Dollars (\$170,000) is appropriated from the General Fund to the Department of Revenue and Taxation to implement the provisions of this Section, and notwithstanding any other provision of law, within the level of the appropriation of this Section[. T], the Director of Revenue and Taxation may hire personnel to implement the provisions of this Section without restrictions concerning salary level, number of personnel hired, or terms or conditions of employment."

Section 30. The sum of Two Hundred Thousand Dollars (\$200,000) is appropriated from the Tourist Attraction Fund to the Department of Public Works for

FLOOR AMENDMENT

by E.P. Arriola

Section _____. "Transfers between budget categories in the FY'86 budget of the Governor's Office is hereby authorized."

(note: offered but not acted on)



Eighteenth Guam Legislature

P.O. Box CB-1

Agana, Guam H.S.A. 96910

F. R. SANTOS

Chairman, Committee on Federal,
Foreign and Legal Affairs

January 22, 1986

The Results Of The Committee Vote On Bill No. 50

The Honorable
Carl T.C. Gutierrez, Speaker
18th Guam Legislature
P. O. Box CB-1
Agana, GUAM 96910

Dear Speaker Gutierrez:

The Committee on Federal, Foreign and Legal Affairs recommends that Bill No. 50, "AN ACT TO ADD A NEW 16 GCA CHAPTER 26 RELATIVE TO REQUIRING THAT CHILDREN UNDER THE AGE OF TWELVE BEING TRANSPORTED IN CARS, VANS OR PICKUP TRUCKS BE SECURED BY A CHILD RESTRAINT SYSTEM, SEAT BELTS, OR HARNESSSES", as substituted by same Committee, be passed with the following votes:

To do pass	<u>7</u>
To not pass	<u>0</u>
Abstain	<u>0</u>
Off Island	<u>0</u>
To Report Out	<u>1</u>

Sincerely,

F. R. SANTOS

Attachments:



Eighteenth Guam Legislature

P.O. Box CB-1

Agana, Guam H.S.A. 96910

SENATOR F. R. SANTOS

BILL NO. 50

Chairman, Committee on Federal,
Foreign and Legal Affairs

As Substituted By The Committee On
Federal, Foreign and Legal Affairs

"AN ACT TO ADD A NEW 16 GCA CHAPTER 26 RELATIVE TO REQUIRING THAT CHILDREN UNDER THE AGE OF TWELVE BEING TRANSPORTED IN CARS, VANS OR PICKUP TRUCKS BE SECURED BY VOTE SHEET A CHILD RESTRAINT SYSTEM, SEAT BELTS, OR HARNESSSES"

<u>MEMBER</u>	<u>TO DO PASS</u>	<u>TO NOT PASS</u>	<u>ABSTAIN</u>	<u>COMMENTS</u>
 CHAIRMAN FRANK R. SANTOS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
 SENATOR JOE T. SAN AGUSTIN VICE CHAIRMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SENATOR JOSEPH F. ADA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
 SENATOR JOHN P. AGUON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
 SENATOR ELIZABETH P. ARRIOLA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
 SENATOR MARILYN MANIBUSAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Report on
SENATOR TED S. NELSON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
 SENATOR FRANKLIN J. QUITUGUA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
 SENATOR THOMAS V.C. TANAKA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	



Eighteenth Guam Legislature

P.O. Box CB-1

Agana, Guam H.S.A. 96910

F. R. SANTOS

Chairman, Committee on Federal,
Foreign and Legal Affairs

I.

The Committee on Federal, Foreign and Legal Affairs

Report on Bill No. 50

"AN ACT TO ADD A NEW 16 GCA CHAPTER 26 RELATIVE TO REQUIRING THAT CHILDREN UNDER THE AGE OF TWELVE BEING TRANSPORTED IN CARS, VANS OR PICK-UP TRUCKS BE SECURED BY A CHILD RESTRAINT SYSTEM, SEAT BELTS, OR HARNESSSES"

Committee Chairman Senator Frank R. Santos convened the public hearing on Bill 50 at 10:00 a.m. on February 25, 1985 in the Legislative Session Hall. Committee members in attendance were Senators Franklin J. Quitugua, Marilyn Manibusan, Joseph F. Ada, Ted S. Nelson, Joe T. San Agustin and Alberto Lamorena III (non-voting member). Also in attendance was Mr. James G. Miles in his capacity as Senator.

First to testify in support of Bill 50 was Ms. Jean Stewart, Acting Administrator, Maternal-Child Health (REFER TO ATTACHMENT 1). Ms. Stewart stated that in recent years a number of young children have been killed or injured on Guam in vehicles without an adequate child restraint system. She noted that States which have enacted laws with similar intent to Bill 50 have witnessed a drastic reduction in the number of such injuries caused by inadequate child restraint systems. She suggested several changes which were listed in her written testimony. She felt that the benefits of Bill 50 will exceed

and increase safety for the target population of children under the age of ten. Ms. Stewart suggested that such increased safety consciousness will also benefit older children and encourage their utilization of passenger restraint systems. She further stated that children who are accustomed to restraint systems from infancy are far more likely to continue using them as they grow older. Ms. Stewart added, "It is a constant reminder to the parents about their own safety---an encouragement to buckle up after they buckle up their kids."

Ms. Stewart provided statistics and charts to support her testimony (REFER TO ATTACHMENT 2).

The next witness to testify in support of Bill 50 was Ms. Barbara S.N. Benavente, a concerned parent (REFER TO ATTACHMENT 3). Ms. Benavente stated that adults have a choice but children do not. Child she continued, should not be hurt by an adult's resistance to taking immediate action that will ensure a child's safety in moving vehicles. She noted that if it takes a law to protect children, then a law should be passed.

Ms. Teresita B. Santos, Acting Highway Safety Coordinator, Department of Public Works, testified orally in support of Bill 50 (REFER TO ATTACHMENT 4). She stated that the 1985 Guam Highway Safety Plan specifically mandates a Child Passenger Restraint Program as one of its objectives. Ms. Santos also stated that greater emphasis must be placed on the importance of child restraint usage. She suggested that there is a need for a law that is enforceable. Furthermore, she stated that Bill 50 should incorporate a fine limit of \$50.00 rather than \$500.00. Ms. Santos noted that 48 States and the District of Columbia have

enacted a child restraint law. Finally, she closed her testimony and expressed hope that similar legislation will be enacted for Guam.

Ms. Gloria Carandang from the Office of Highway Safety was next to testify in favor of Bill 50 (REFER TO ATTACHMENT 5). She stated that statistics will show that many deaths caused by auto accidents could have been prevented if passengers used a restraint system---the "SEAT BELT." She also stated that 48 States already have a law similar to Bill 50. She commented further that all funds at the Office of Highway Safety are federal monies and have been mandated to initiate a child restraint program as part of Guam's Highway Safety Plan. The effect and force of law is needed to continue such a Plan. Moreover, Ms. Carandang suggested a minor amendment be incorporated into the Bill to reduce the proposed fine of \$500.00, but did not suggest an amount.

Also testifying orally in support of Bill 50 was Ms. Candi Guhl. She expressed concern for lifesaving and for the protection of children unable to speak for themselves.

Finally, submitting written testimony on Bill 50 was Dr. Judith P. Guthertz in her capacity as the Director of the Department of Public Safety (REFER TO ATTACHMENT 6). Dr. Guthertz stated that Bill 50 will ensure that children under five years of age be properly secured in vehicles to prevent the possibility of injuries sustained in vehicular collisions and traffic accidents.

With no further testimony, Chairman Frank R. Santos adjourned the public hearing at 4:30 p.m.

II. Legislative History

A U.S. Department of Transportation, National Highway Traffic Safety Administration report entitled, "Child Safety Seat And Safety

"Belt Legislation" noted that between 1978 and 1982 nearly 3,400 children under five years of age were killed in traffic accidents in the U.S. Over 250,000 were seriously injured. The Report also stated that in 1982 alone 629 children four years old and younger were killed.

Since 1978, legislation in 49 States have been enacted to require that "children under four years of age...be protected by car safety seats or safety belts", the Report further stated.

In 1978, Tennessee was the first State to enact a Child Passenger Safety Law and within three years the amount of deaths and injuries to children under four years of age were reduced by 55 per cent. A similar law in Michigan was effective in reducing deaths and injuries to children in the under-four age group by 24 per cent after one year. In California the Report continued, the Child Passenger Safety Law reduced injuries to children by 8 per cent within a period of a year.

In a press conference on July 11, 1984, Secretary of Transportation Elizabeth Hanford Dole announced provisions of the new ruling on Federal Motor Vehicle Safety Standard 208:

"Automatic crash protection will be required for all passenger cars manufactured for sale in the United States on a phased-in schedule beginning September 1, 1986. The rule applies to 10 per-cent of the manufacturers' production the first year, increasing to 25 per-cent of cars built after September 1, 1987, and to 40 percent of those produced after September 1, 1988. All cars manufactured for the U.S. market after September 1, 1989 must be equipped with automatic crash protection. If States representing two-thirds of the nation's population enact mandatory safety-belt-usage laws before April 1, 1989, requirement for automatic protection will no longer apply."

"Automatic crash protection equipment must meet the performance standard set by Federal Motor Vehicle Safety Standard 208, protection

of the driver and right seat passenger in a 30 mile per hour crash. Auto makers may use any means of automatic crash protection that meets the Standard. This includes automatic belts, air bags, or any new technologies that provide occupant protection in a 30 mile per hour crash test."

It is therefore the desire of the members of the Committee to, "Get it together!" and to enact legislation to protect the lives of Guam's children through more preventive means, i.e., through the enactment of child restraint safety legislation.

III. Legislative Intent

The basic intent of Bill No. 50 is to protect Guam's children from the potential dangers posed by traffic accidents. This legislation is not meant to exemplify in any manner, way, or form a government's imposition on the rights of individual citizens. The protection of the populace is of greatest importance; this is held in highest credence by the authors of said legislation.

IV. Section-By-Section Analysis

(A) Section 1.

16 GCA Section 26101 requires that a child under two years of age be properly secured in a child passenger restraint system, a seat belt or a harness by the driver of the vehicle in which the child is being transported. This section ensures that such aforementioned passenger safety devices shall meet with federal highway safety standards and be used in accordance with the manufacturer's operating instructions.

16 GCA Section 26102 specifies the same requirements as Section 26101, except that this Section applies to children two years of age or more but under twelve years of age.

16 GCA Section 26103 states that violators of Section 26101 or Section 26102 (16 GCA Chapter 26) shall be guilty of a misdemeanor and subject to penalties pursuant to Section 26104.

16 GCA Section 26104 (a) charges violators of Section 26101 or Section 26102 with a fine no greater than Fifty Dollars (\$50.00).

16 GCA Section 26104 (b) allows a suspension for first time violators of Section 26101 and Section 26102 until such time, set by the court, where said violator shall obtain a child passenger restraint system which meets legal specifications.

16 GCA Section 26104 (c) exempts drivers from the penalty pursuant to Section 26104 (a) if a child passenger is medically or physically unable to use a child passenger restraint system.

(B) Section 2.

Section two(2) ensures that Section one(1) of Bill No. 50 shall become effective a year after enactment.

V. Recommendation

At this time, the Committee reports affirmatively on Bill No. 50, "AN ACT TO ADD A NEW 16 GCA CHAPTER 26 RELATIVE TO REQUIRING THAT CHILD UNDER THE AGE OF TWELVE BEING TRANSPORTED IN CARS, VANS OR PICKUP TRUCK BE SECURED BY A CHILD RESTRAINT SYSTEM, SEAT BELTS OR HARNESSSES"; and that, such Bill be passed by the 18th Guam Legislature based on its findings---with special emphasis on the overall need for legislation focused on protecting Guam's young citizens.

February 19, 1985

To Whom It May Concern:

I would like to strongly support the intent of Bill No. 50 to require child restraint systems for young children traveling in cars, vans or pick-up trucks. In recent years a number of young children have been killed or injured here on Guam in vehicles without adequate restraint systems. States which have enacted laws such as the one proposed have witnessed a drastic reduction in the numbers of such injuries. I would like to suggest the following changes:

Section 23570. The age for coverage should be changed from two to four. After the age of four or when forty pounds has been reached the child outgrows the child restraint system, thereby needing a safety belt and shoulder harness.

Section 23571. It is suggested that this be changed from "at least four years of age but under ten years of age".

Section 2. One year is longer than necessary for the Act to take effect. Six months should be an adequate period of time for enactment. There are a number of private and public organizations who will work to assure that passage of this Act does not create a hardship on low-income families. A variety of loaner mechanisms will be established to assure that restraint systems are available to parents who cannot otherwise afford them.

I feel the benefits of this legislation will exceed the increased safety for the target population of children under the age of ten. This increased safety consciousness will also benefit older children and encourage their utilization of passenger restraints. Children who are accustomed to restraint systems from infancy are far more likely to continue using them as they grow older. It is also a constant reminder to the parents about their own safety - an encouragement to buckle up after they buckle up their kids.

Recently a very tiny premature newborn survived in Guam's Newborn Intensive Care Unit as a result of the tireless dedication of nurses and physicians committed to its survival. After months of intensive care that infant was sent home...an infant whose survival had cost the Territory hundreds of thousands of well-spent dollars. Not many years later that child lost his life in an accident while being transported in the back of a pickup truck. It makes little sense to invest astronomical sums for care

Attachment (1)

of our newborns in the hospital unless we are equally concerned about preventing their death and injury on the way home from the hospital.

Respectfully submitted,

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

JEAN STEWART, M.A., M.P.H.
Acting Administrator
Maternal-Child Health

TESTIFYING AS A PRIVATE CITIZEN



U.S. Department
of Transportation
National Highway
Traffic Safety
Administration

Region IX
Arizona, California,
Hawaii, Nevada

Suite 1000
211 Main Street
San Francisco, California 94105

CHILD SAFETY SEAT AND SAFETY BELT LEGISLATION

Background Information

Compiled September, 1984

For further info. call

Paul Snodgrass
NHTSA Region IX
(415) 974-9840



Attachment (2)



US Department
of Transportation
National Highway
Traffic Safety
Administration

Region IX
Arizona, California,
Hawaii, Nevada

Suite 1000
211 Main Street
San Francisco, California 94105

CHILD PASSENGER SAFETY FACTS

Deaths and Injuries:

- o In the U.S. during the years 1978 through 1982 nearly 3,400 children under the age of 5 years were killed in traffic accidents. More than 250,000 were seriously injured. In 1982 alone 629 children four years old and younger were killed.
- o In California alone, in 1983, 60 children under four years of age were killed, and 4,333 injured.
- o More children under the age of five years are killed or crippled as passengers in motor vehicles than the total number killed or crippled by the seven most common childhood diseases: pertussis, tetanus, diphtheria, measles, mumps, rubella and polio.

State Legislation:

- o Since 1978, a total of 4⁹ States have now enacted laws requiring children under four years of age to be protected by car safety seats or safety belts.
- o With the assistance of funding from the National Highway Traffic Safety Administration, and the aid of public health agencies, hospitals, the American Academy of Pediatrics and other service organizations, education programs and low-cost car seat rental programs for parents are now available in almost every community. (See list of State and Local contacts.)

Use of Car Safety Seats:

- o In the U.S. the use of car safety seats has increased from less than 9 per cent in 1979 to almost 40 per cent in 1983.
- o In some local areas use of car seats now exceeds 50 per cent; however in most areas the majority of young children continue to travel unprotected.

Reduction in Deaths and Injuries:

- o In Tennessee, the first State to enact a Child Passenger Safety Law in 1978, deaths and injuries to children under four years were reduced by 55 per cent in three years.
- o In Michigan, after their law was in effect for one year, deaths and injuries to children under four years were reduced by 24 per cent.
- o In California, where the Child Passenger Safety Law became effective on January 1, 1983, injuries to children under four years were reduced by 8 per cent during 1983, compared to 1982 figures.

#



NHTSA REGION IX
Restraint Use/%

DRIVERS

<u>City</u>	<u>1981-1982</u>	<u>1983</u>	<u>Increase</u>
Los Angeles	12.2	15.0	2.8
San Francisco	15.4	23.1	7.7
San Diego	15.2	22.4	7.2
Phoenix	13.9	20.0	6.1
4-City Average: Reg. IX	14.2	20.1	5.9
19-City Average: Nat'l	11.4	14.0	2.6

TODDLERS
(1-4 Yrs.)

<u>City</u>	<u>1981-1982</u>	<u>1983</u>	<u>Increase</u>
Los Angeles	15.4	21.4	6.0
San Francisco	15.7	35.3	19.6
San Diego	17.3	42.1	24.8
Phoenix	13.7	24.2	10.5
4-City Average: Reg. IX	15.5	30.8	15.3
19-City Average: Nat'l	22.2	37.8	15.6

INFANTS*
(Under 1 Yr.)

<u>City</u>	<u>1981-1982</u>	<u>1983</u>	<u>Increase</u>
Los Angeles	25.4	27.0	1.6
San Francisco	36.6	66.2	29.6
San Diego	37.7	79.7	42.0
Phoenix	27.7	45.9	18.2
4-City Average: Reg. IX	31.9	54.7	22.9
19-City Average: Nat'l	40.4	60.4	20.0

*Comparisons between cities not appropriate because of small number of infant observed in each city (see attached sheet for total observations in Base N.)

P. Snodgrass
NHTSA Region 9
4/27/84

"RULES OF THUMB" FOR SAFETY BELT PROGRAMS

Effectiveness:

- o Three-point (lap and shoulder) belts are 65 per cent effective in reducing serious injuries.
- o Three-point belts are 50 per cent effective in reducing fatalities.
- o Three-point belts are overall 57 per cent effective in reducing deaths/injuries.
- o Airbags alone are approximately 40 per cent effective in reducing deaths/injuries.
- o Airbags plus lap belts are approximately 70 per cent effective.
- o Child restraint effectiveness has been estimated from 65 to 90 per cent.

Usage:

- o Educational programs can achieve 30 to 40 per cent usage.
- o Mandatory use policies for employees in addition to education can achieve 50-60 %.
- o Incentive programs, in addition to education and policy, can achieve 80-95 per cent.
- o Mandatory use legislation, depending on levels of enforcement and education, can achieve use rates of 60 to 95 per cent.
- o U.S. National use fell from a high of 25 per cent in 1974 to a low of 10.9 per cent in 1979; it has now risen to 14.0 per cent in 1983.

Evaluation:

- o Observation surveys are the most precise way to measure overall usage in population.
- o Opinion/attitude surveys (questionnaires) will generally indicate seatbelt use is twice as high as observation surveys.
- o Seatbelt use from all accident reports will run about 5 per cent lower than observed use.
- o Seatbelt use from fatal accident reports will run about 10 per cent lower than observed use.
- o Child restraint use varies greatly (more than adult seatbelt use) by socio-economic area. Use in wealthy areas can be four times as high as in poor neighborhoods.
- o All restraint use increases with educational level.
- o About 3 per cent more women wear seatbelts than men.

Perceptions:

- o Biggest problem is "perception of risk." Most people think they won't be in a crash.
- o A majority of people (over 50 per cent) do not understand how inertial reels work.
- o A significant number (20-40 per cent) express "fear of entrapment" by seatbelts. Yet they are 25 times more likely to die if "thrown clear" of the vehicle.

P. Snodgrass - NHTSA Region IX
May '84

12 SEC. 2. Article 3.3 (commencing with Section 27360)
13 is added to Chapter 5 of Division 12 of the Vehicle Code.
14 to read:

Introduced by Senator Petris
(Coauthor: Assemblyman Farr (Coauthors: Assemblymen
Farr, Bosco, Deddeh, Frizzelle, Hannigan, Harris,
La Follette, Levine, Vicencia, Wray, Wyman, and Young)

16 Article 3.3 Child Passenger Restraints Requirements .

17
18 27360. (a) It is unlawful for the parent or legal
19 guardian, when present in a passenger vehicle or motor
20 truck of less than 6,001 pounds unladen weight which is
21 owned by him or her and registered in this state, to
22 permit his or her child or ward under the age of four
23 years or weighing less than 40 pounds to be transported
24 upon a highway in the motor vehicle without providing
25 and properly using, for each such child or ward, a child
26 passenger seat restraint system meeting applicable
27 federal motor vehicle safety standards.

28 Any charge under this subdivision shall be dismissed
29 when the person charged produces in court proof that a
30 child passenger seat restraint system has been obtained
31 for use of the child, except that, upon a second or
32 subsequent charge, the court, in its discretion, may
33 dismiss the charge.

34 (b) It is unlawful for the parent or legal guardian,
35 when present in a passenger vehicle or motor truck of less
36 than 6,001 pounds unladen weight which is not owned by
37 him or her but which is registered in this state, to permit
38 his or her child or ward under the age of four years or
39 weighing less than 40 pounds to be transported upon a
40 highway in the motor vehicle without providing and
1 properly securing his or her child or ward in either a child
2 passenger restraint system meeting applicable federal
3 motor vehicle safety standards or available seat belts.

4 (c) It is unlawful for any driver to transport on a
5 highway any child under four years of age or weighing
6 less than 40 pounds in a passenger vehicle or motor truck
7 of less than 6,001 pounds unladen weight which is
8 registered in this state without providing and properly
9 securing the child in either a passenger seat restraint
10 system meeting applicable federal motor vehicle safety
11 standards or available seat belts. This subdivision shall not
12 apply to a driver if the parent or legal guardian of the
13 child is also present in the vehicle and is not the driver.

14 27361. Any law enforcement officer reasonably
15 suspecting a violation of Section 27360 may stop any
16 vehicle transporting a child appearing to the officer to be
17 within the age or weight specified in Section 27360. The
18 officer may issue a notice to appear for a violation of
19 Section 27360.

20 27362. No retailer shall sell, offer for sale, or install in
21 any motor vehicle any child passenger seat restraint
22 system not conforming to all applicable federal motor
23 vehicle safety standards on the date of sale or installation.

24 27363. The court may exempt from the requirements
25 of this article any class of child by age, weight, or size if
26 it is determined that the use of a child passenger seat
27 restraint system would be impractical by reason of
28 physical unfitness, medical condition, or size. The court
29 may require adequate proof of the child's physical
30 unfitness, medical condition, or size.

The right to counsel at a pre-indictment lineup has not extended to an in-the-field identification, the 9th District Court of Appeal has ruled.

The opinion upholds the attempted-burglary conviction of a man who was spotted by the occupant of a house whom he tried to break-in. He fled, was apprehended by police, and was returned to the scene-of-the-crime where he was identified.

Justice Frances Carr wrote the opinion. The case is *People v. Dampher*, 3 Crm. No. 13130.

Carr provided this discussion of the issue:

Defendant... contends the identification procedure used in this case was fatally defective in that he was denied the right to counsel at the in-field showup. Defendant urges *People v. Bustamante* (1981) 30 Cal.3d 83 is controlling, and mandates the presence of counsel at all in-field identifications. Defendant reiterates *Bustamante*, which held only "that article I, section 15 of the California Constitution, affords to a defendant the right to the presence of counsel at a pre-arrest lineup." (*Id.*, at p. 102; italics added.) Defendant would not determine whether a defendant is entitled to counsel at a pre-arrest in-field identification, which is the question presented on this appeal.

Defendant argues an in-field showup to qualify as a pre-arrest lineup within the meaning of *Bustamante*. We disagree. A "lineup" is a relatively formal procedure wherein a suspect, who is generally already in custody, is placed among a group of other persons whose general appearance resembles the suspect. The result is essentially a test of the reliability of the victim's identification. (*Bustamante*, supra, 30 Cal.3d at p. 98.) The requirement of counsel's presence encourages the fairness of such procedures. (P. 92.) An in-field showup, on the other hand, is generally an informal confrontation involving only the police, the victim and the suspect. One of its principal functions is a prompt determination of whether the correct person has been apprehended. (*People v. Anthony* (1970) 7 Cal.App.3d 751, 764.) Such knowledge is of overriding importance to law enforcement, the public and the criminal suspect himself. (P. 765.) An in-field showup is not the equivalent of a lineup. The two procedures serve different, though related func-

tions, and involve different considerations for all concerned.

Prior to *Bustamante*, the law in California was settled that counsel's presence was not constitutionally required at an in-field identification. (*People v. Edwards* (1981) 126 Cal.App.3d 447, 453-454, fn. 2, and cases cited therein.) In *People v. Jones* (1981) 126 Cal.App.3d 308, the court considered whether *Bustamante's* reasoning should be extended to overturn this well-established precedent. First noting the importance of knowing whether the right person has been detained, the court in *Jones* stated: "In addition, the practical in-field problems of getting counsel, although not insurmountable, are clearly distinct and more burdensome than those presented by *Bustamante*, a consideration favoring a police officer's determination not requiring counsel under such circumstances. Admittedly, some of the concerns expressed by the *Bustamante* court are present in an in-the-field identification in which a suspect may well be prejudiced when singled out as the culprit within a short period of time after the incident. In balance, however, in weighing the respective individual and societal interests to be served, we conclude precedent on this issue to be correct." (*Id.*, at p. 317.)

Jones involved a pre-*Bustamante* identification (p. 316), and *Bustamante* is expressly not retroactive. (30 Cal.3d, supra, at p. 106.) However, we find its reasoning persuasive in considering a post-*Bustamante* in-field identification. The differences between a post-arrest, controlled lineup and an in-the-field showup distinguish *Bustamante* from this case. Moreover *Bustamante* recognized the right to counsel at a pre-arrest lineup. (Continued on Page 3)

Law Requiring Car Seat Restraints for Toddlers Upheld by Appellate Department

The state does not interfere with protected parental prerogatives by requiring parents to use a "seat restraint system" for their small children riding in the car, the Los Angeles Superior Court Appellate Department has ruled.

Div. One of this district's Court of Appeal found that transfer of the case to itself was unnecessary, thus giving precedential value within the county to the department's opinion.

Presiding Justice James Reese wrote that opinion. The case is *People v. Thomas*, CR A21434.

Vehicle Code Sec. 27360 applies to a parent who is riding in a car, or in a truck less than 6,001 pounds, with a child or ward who is under the age of four or weighs less than 40 pounds. Such parent is required to see to it the child is fastened-in.

Terri Lynn Thomas was convicted in Citrus Municipal Court of violating that law. She appealed, arguing that the statute constituted an "unconstitutional interference with her fundamental rights of family privacy and parental autonomy."

Reese wrote:

"The statute in question does not infringe on defendant's fundamental right to family privacy. This right is directed to the 'integrity of the family unit'... which is at stake when the state attempts to regulate the custody, care and nurturing of a child...."

"Requiring defendant to ensure that her children use seat restraints does relate to the 'care' of the children in the sense that it ensures safe transportation of the children. However, it cannot be said that the ensuring of the children's safe transportation is the type of 'care' encompassed by the fundamental right to family privacy as this regulation does not affect the integrity of defendant's family unit. Furthermore, considering the extensive regulation over motor vehicles... it cannot be said that defendant had a necessary or legitimate expectation of family privacy in determining whether to provide safe transportation for her children."

Reese added: "The required use of seat restraints for child passengers is a reasonable regulation under the police power in the interest of public safety and welfare."

Metropolitan News

9/4/84 - Los Angeles, CA.

Traffic Safety Newsletter

August 1984

FACTS
ABOUT 208

Following are provisions of the new ruling on Federal Motor Vehicle Safety Standard 208 which were announced by Secretary of Transportation Elizabeth Hanford Dole at a press conference, July 11:

Automatic crash protection will be required for all passenger cars manufactured for sale in the United States on a phased-in schedule beginning September 1, 1986. The rule applies to 10 percent of the manufacturers' production the first year, increasing to 25 percent of all cars built after September 1, 1987, and to 40 percent of those produced after September 1, 1988. All cars manufactured for the U.S. market after September 1, 1989 must be equipped with automatic crash protection. If States representing two-thirds of the nation's population enact mandatory safety-belt-usage laws before April 1, 1989, the requirement for automatic protection will no longer apply.

Automatic crash protection equipment must meet the performance standard set by Federal Motor Vehicle Safety Standard 208, protection of the driver and right seat passenger in a 30 mile per hour crash. Auto makers may use any means of automatic crash protection that meets the Standard. This includes automatic belts, air bags, or any new technologies that provide occupant protection in a 30 mile per hour crash test.

To encourage the use of air bags or other new technologies, such as energy-absorbing interiors, the Department will credit a manufacturer with 1.5 cars for every one car complying with the Standard on the driver side by means other than automatic belts, with an automatic restraint of any design on the passenger side. This credit applies during the phase-in period (model years 1987 through 1989) only.

Forty million dollars a year in Department of Transportation funds and private sector contributions will be made available (over the next 4 years) for a nationwide, educational campaign to encourage safety belt use and mandatory usage laws.

NEW YORK
BELT LAW
PASSES

New York is the first State to enact a mandatory safety belt law. The Governor signed a bill on July 12 which requires drivers, front seat passengers, and all rear seat occupants under age 10 to be secured by safety belts or safety seats. Violators will be subject to fines up to \$50. The law takes effect December 1, but penalties will not be imposed until January 1, 1985.

Massachusetts, Michigan, New Jersey, and Pennsylvania have mandatory safety-belt-use bills pending. An Illinois bill has been postponed until the fall of this year, while 11 other States have failed to enact bills which were introduced this year. These States are Arizona, California, Delaware, Hawaii, Minnesota, Missouri, Rhode Island, Vermont, Virginia, Washington, and West Virginia.

TEXAS
CHILD SEAT
LAW PASSED

The State of Texas enacted a child safety seat law on July 12, bringing to 49 the number of States, plus the District of Columbia, now having such a law. In addition to Texas, the following States enacted safety seat laws this year: Alaska, Idaho, Iowa, Louisiana, South Dakota, Utah, and Vermont. Kansas amended a 1981 law and raised the safety seat requirement age from under 2 to under 4 years, with a \$10 fine rather than a warning imposed for violation of the law. Wyoming is the only State which has not enacted a child passenger protection law.

WORLD'S
LARGEST
SAFETY BELT

Minnesota's State Capitol Building in Minneapolis recently sported what is hoped to be the world's largest safety belt. The event took place on Sunday, May 20 when a 3-foot high, 600-yards long safety belt was wrapped around the State Capitol Building. The belt was joined on the front steps by a 6-foot high buckle depicting Ronald McDonald and the slogan of McDonald's Restaurants' nationwide safety-belt-use program for children, "Make It Click". The belt was made of burlap and the buckle of corrugated cardboard and Styrofoam.

The idea for the belt came from Carmichael-Lynch, advertising agency for McDonald's and the local American Academy of Pediatrics. Minnesota Governor Rudy Perpich heralded the event by proclaiming the week following the ceremony "Make It Click Week." The Academy is following-up by displaying posters of Ronald McDonald with a buckleup message. Photos of the event were officially submitted to the Guinness Book of World Records.

Fred Keller, senior account executive of Carmichael-Lynch can answer your questions. Call him at: (612) 879-2016.

HHS AWARDS
FOR
EXCELLENCE

Among the communities selected as DOT's recipients of the Health and Human Services Community Health Promotion Awards, nine were concerned with occupant protection. The awards are given in recognition of programs designed to improve the health of their citizens. The occupant protection recipients were:

AWARDS FOR EXCELLENCE

Spinal Cord Injury Accident Prevention/Education
Tallahassee, Florida
Contact: Don Kemper, (208) 345-1161

Project Graduation
Augusta, Maine
Contact: Carl Mowatt, (207) 289-2876

Beltman in Person
Amsterdam, New York
Contact: Sister Rita Jean DuBrey, (518) 842-1900

Seat Belts Pay Off
Chapel Hill & Carrboro, North Carolina
Contact: B. J. Campbell, (919) 692-2202

Charleston Taskforce on Child Safety Seats, Inc.
Charleston, South Carolina
Contact: Martha Orton Reines, (802) 723-6478

Safe Ride Program
Galveston City, Texas
Contact: David Zane, (409) 938-7221, Fxt. 429

OUTSTANDING COMMUNITY HEALTH PROGRAMS

Alabama Child Restraint Program
Contact: James McVay, (205) 832-3104

Maryland Project KISS
Contact: Andrea Gielen, (301) 383-7290

New Hampshire Child Passenger Safety Program
Contact: Deborah Prum, (603) 646-5473

WILLARD SCOTT
HONORED

Willard Scott, jovial weatherman on NBC's TODAY show, has been named honorary chairman of DOT's summer safety belt campaign "Create a Habit for Life." Scott was presented with a plaque commemorating the event by Transportation Secretary Elizabeth Hanford Dole during a live telecast on June 28. Scott has pledged to promote the positive aspects of safety belt use, whenever time permits, on his segment of the program.

NEWS
QUOTES

Tallahassee, Florida, noted that: "Traffic deaths of children have been reduced more than 50 percent since a state law requiring child-restraint seats took effect last July. Eleven children were killed in 1983, compared to 26 in 1982."

In a similar vein, an item in the "As a Matter of Fact" column of the Chicago Tribune on June 24 called attention to the fact that "...Most provinces in Canada have seat belt use laws. Government figures show that each province [which] passed such a law displayed a dramatic increase in seat belt use; use rates remained the same in provinces with no law. In 1982, the seat belt use rate was 53.9 percent in the provinces with the law, and 11.8 percent in provinces without.

"...(S)eat belts are proven life savers, and only careless, very lazy or very dumb people don't use them. It's somewhat embarrassing that we use them so little that lawmakers are inspired to legislate common sense in our behalf."

An editorial in a recent issue of the Augusta, Maine Kennebec Journal gave a back-of-the-hand compliment to the increased use of child safety seats in that State.

While applauding the increased rental and purchase of the seats through the Maine Highway Safety Committee and local businesses, the editorial noted that: "...the use of the seats seems to have accelerated since the state gained the power to fine those who ignored the law. Up until March [when a mandatory child safety seat law took effect] police were permitted only to issue warnings when they found children under the age of 4 who were riding without benefit of this protection. Now fines of \$25 are allowed for the first violation.

"Whatever it took to get the message out, though, is of secondary importance to the increased use of these child-savers."

OCCUPANT
PROTECTION
LEGISLATION

On pages 5 thru 8 are summaries of legislative activities pertaining to child passenger protection and mandatory safety belt use. On page 5 is a summary of child passenger legislative activity during 1984. On page 6 is a listing of pending mandatory safety-belt-use bills introduced during this year. On page 7 are State child passenger safety seat laws enacted since 1977. On page 8 is a listing of safety belt bills introduced during this year. All data are current through July 15, 1984. For specific information on the legislative data in this issue contact Marian Tomassoni, NHTSA Office of Traffic Safety Programs, (202) 426-1634.

Child
Passenger
Protection

<i>Ala</i> S-163	Requires safety seat us children under age 4, and children between ages 4 and 7 must use toddler seat or safety belt. Signed 6/19/84.
<i>Colorado</i> S-186	Provides exemptions from safety seat regulations when there is limited seating or all belts are in use. Signed 4/5/84.
<i>Delaware</i> S-150	Permits \$25 tax credit toward purchase of a child safety seat. <i>Failed</i>
<i>Idaho</i> H-471	Requires parents and legal guardians to secure children under age 4 and less than 40 pounds in a safety seat; a safety belt may be substituted in rear seat. Signed 4/3/84.
<i>Illinois</i> S-1740	Provides that current law shall not apply to a child with physical handicap which prevents restraint use. <i>Passed Senate 5/23/84.</i>
<i>Indiana</i> S-96	Exempts church buses from the law requiring use of child safety systems. Signed 3/5/84.
<i>Iowa</i> S-2089	Requires children under age 6 to be secured in a safety seat, but those between ages 3 and 6 may substitute a safety belt; \$10 fine, effective 1/1/85. Signed 3/16/84.
S-2088	Permits \$10 tax credit toward purchase of safety seat; provides for auto insurance premium reduction if a safety seat is used. <i>Failed</i>
<i>Kansas</i> H-2723	Amends existing law by raising age requirement from under 2 to under 4 years; \$10 fine would be waived upon proof of acquisition. Signed 4/11/84.
<i>Kentucky</i> S-128	Imposes \$25 fine for safety seat law violators. <i>Failed</i>
<i>Louisiana</i> H-425	Requires children under 5 to be secured in a safety seat; safety belt may be substituted for children between 3 and 5 in rear seat. Effective 9/1/84. \$25 fine imposed after 1/1/85. Signed 6/25/84.
<i>Missouri</i> H-869	Amends law to apply to legal guardians rather than all drivers. <i>Failed</i>
<i>New Jersey</i> A-1621	Requires restraint systems to be made available to all motor vehicle renters.
<i>New York</i> A-2678	Changes existing law to require children under age 2 (rather than age 4) to a safety seat and those between ages 2 and 5 may substitute a safety belt.
S-908	Grants \$25 tax credit toward purchase of a safety seat.
<i>Pennsylvania</i> S-1232	Strengthens existing law and requires all drivers rather than just parents and legal guardians to secure children in vehicle; raises age requirement from 4 to 5 for those who must use belts in rear seats.
<i>South Dakota</i> H-1086	Requires parents and legal guardians to secure children under age 2 in safety seats and those between ages 2 and 5 in safety seat or safety belt. Effective 7/84. Signed 3/3/84.
<i>Texas</i> S-3	Requires children under age 2 to be secured in safety seat and those between 2 and 4 in a safety seat or safety belt system; \$25 to \$50 fine. Signed 7/12/84.

Mandatory
Legislation
Pending

<i>Utah</i> S-10	Requires parents and legal guardians to secure children under age 2 in a safety seat and those between ages 2 and 4 in a safety seat or safety seat; \$20 fine, effective 7/1/84. Signed 4/10/84.
<i>Vermont</i> H-112	Requires all drivers and day care centers to secure children under age 4 in a safety seat. A belt may be used by those between ages 1 and 4 when riding in rear seat; \$25 fine, effective 7/1/84. Signed 1/18/84.
<i>Wisconsin</i> A-726	Amends existing law and requires all resident drivers rather than only parents and legal guardians to secure children under age 4. Signed 4/84.
<i>Wyoming</i> H-37, H-61	Safety seat requirement for children under age 5 (H-37), age 4 (H-61). <i>Both Failed</i>
<i>Illinois</i> H-2800	Requires driver and front seat passengers to wear safety belts. <i>Postponed.</i>
<i>Massachusetts</i> H-5484	Provides for special commission to study feasibility of requiring mandatory safety belt use in school buses. Signed 7/13/84.
H-725	Requires safety belt use of other restraints for children under 7.
<i>Michigan</i> H-4203	Requires driver and front seat passengers to wear safety belts. Allows exemption for conscientious reasons for all except persons under 18 years of age.
H-5263	Allows for insurance premium reduction if insured signs affidavit that insured will wear a safety belt when operating a vehicle.
S-489	Allows non-use of safety belts to be a mitigating factor in accident civil suits.
S-741	Requires driver and front seat passengers to wear safety belts. Ten dollar fine. Sunsets 10/31/88.
S-742	Requires safety belt use issue to be placed on general ballot in November 1988.
<i>New Jersey</i> A-861	Requires driving instructors and students to wear safety belts. Signed 6/14/84.
A-1870	Requires children between ages 5 and 10 to wear safety belts when being transported in vehicles.
A-2304, S-2044	Requires safety belt use by driver and front seat passengers.
<i>New York</i> S-7571	Requires safety belt use by persons with junior licenses, probationary licenses, or learner's permits. Signed 4/11/84.
A-30117	Requires safety belt use by all front seat occupants and persons under 10 in back seats. Signed 7/12/84.
A-1535	Requires safety belt use by persons between ages 5 and 18.
A-8920, S-7591	Includes vans and small trucks as well as passenger cars in which children under certain ages must be secured.
A-9486, S-8131	Extends age requirement for children to be belted (under age 11 by 4/1/88 thru age 17 incrementally by 4/1/95).
<i>Pennsylvania</i> H-396	Requires schoolbuses to be equipped with safety belts and requires pupils to use them.
S-1421	Requires safety belt use by driver and front seat passengers, with certain exceptions.

**Mandatory
Safety Belt
Use Bills**

Arizona	All Occupants	Failed
California	All Occupants	Failed
	Children Under Age 10	Failed
Delaware	All Occupants	Failed
Hawaii	All Occupants	Failed
	Driver and Front Seat Passengers	Failed
Illinois	Driver and Front Seat Passengers	Postponed
	School Bus Passengers	Failed
Massachusetts	All Occupants	Failed
	Children Under Age 7	-----
	School Bus Passengers	-----
Michigan	Driver and Front Seat Passengers	-----
Minnesota	All Occupants	Failed
Missouri	Driver and Front Seat Passengers	Failed
	School Bus Passengers	Failed
New Jersey	Driving Instructors and Students	Signed 6/14/84
	Children Under Age 10	-----
	Driver and Front Seat Occupants	Pending
	Children Between Ages 5 and 10	Pending
New York*	Front Seat Occupants and Children	
	Under Age 10 in Rear of Vehicle	Signed 7/12/84
Pennsylvania	School Bus Passengers	-----
Rhode Island	Children Between Ages 4 and 15	Failed
	All Vehicle Occupants	Failed
Texas	Children Under Age 15	-----
Vermont	Driver and Front Seat Passengers	Failed
Virginia	Driver and Front Seat Passengers	Failed
Washington	All Vehicle Occupants	Failed
	Persons with Learner's Permits	Failed
West Virginia	All Vehicle Occupants	Failed
	School Bus Passengers	Failed

* New York: In addition to the above introduced bills a law was enacted on 4/11/84 that requires belt use by persons with junior licenses, probationary licenses or learners' permits to use safety belts.

† As of July 15, 1984.

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State
Child Safety
Seat Laws

STATE CHILD PASSENGER SEAT LAWS
As of July 15, 1984

STATE	BILL	YEAR	EFFEC DATE	RESTRAINT REQUIREMENT AGE	SAFETY SEAT REQUIRED	MAY SUBSTITUTE SAFETY BELT	PENALTY*
ALABAMA	S-24	82	7-82	Under 3	Under 3	No	\$10
ALASKA	S 183	84	7-85	Under 7	Under 4	Between 4 & 7	2 pts. & up to \$300
ARIZONA	H 2312	83	8-83	Thru 4 ¹	Thru 4 ¹	No	\$80
ARKANSAS	H-484	83	8-83	Under 5	Under 3	Between 3 & 5	\$10-\$25
CALIFORNIA	S 537	82	1-83	Under 4 ¹	Under 4 ¹	If not in parent's vehicle	\$50
COLORADO	H 1070	83	1-84	Under 4 ¹	Under 4 ¹	No	\$25-\$200
CONNECTICUT	S-42	82	5-82	Under 4	Under 4	Between 1 & 4 in rear seat	\$25-\$100
DELAWARE	H 154	82	5-82	Under 4	Under 4	No	\$25
FLORIDA	S 238	82	7-83	Under 6	Under 4	Between 4 & 6	\$15
GEORGIA	S 50	83	7-84	Under 4	Under 3	Between 3 & 4	\$25
HAWAII	H-880	83	7-83	Under 4	Under 3	Between 3 & 4	Maximum \$100
IDAHO	H-471	84	1-85	Under 4 ¹	Under 4 ¹	No	Maximum \$100
ILLINOIS	H 1	82	7-83	Under 6	Under 4	Between 4 & 6	\$25-\$50
INDIANA	S 172	83	1-84	Under 4	Under 3	Between 3 & 4	\$50-\$500
IOWA	S 238B	84	1-85	Under 6	Under 3	Between 3 & 6	\$10
KANSAS	H 2208	81	1-82	Under 4 ¹	Under 4 ¹	No	\$10
KENTUCKY	S 2	82	7-82	Under 40	Under 40	No	Warning
LOUISIANA	H-425	84	5-84	Under 5	Under 5	Between 3 & 5 in rear seat	\$25-\$50 after 1 st 35
MAINE	H-910	83	5-83	Under 4	Under 4	Between 1 & 4 if not in parent's vehicle	\$25-\$50
MARYLAND	H-479	83	1-84	Under 5	Under 3	Between 3 & 5	\$25
MASSACHUSETTS	H 7162	81	4-82	Under 5	Under 5	Under 5	\$25
MICHIGAN	S 115	81	4-82	Thru 6	Thru 4	1 thru 4 in rear seat	\$15
MINNESOTA	H 50	82	8-83	Under 4	Under 4	No	\$25 for 2nd offense
MISSISSIPPI	H-114	83	7-83	Under 2	Under 2	No	\$10
MISSOURI	H 29	82	1-84	Under 4	Under 4	Under 4 in rear seat	\$25
MONTANA	S 22	83	1-84	Under 4	Under 2	Between 2 & 4	\$10-\$25 for 2nd offense
NEBRASKA	L 308	83	8-83	Under 4	Under 1	Between 1 & 4	\$25
NEVADA	A 307	83	7-83	Under 5	Under 5	Under 5 in rear seat	\$35-\$100
NEW HAMPSHIRE	H-42	83	7-83	Under 5	Under 5	Under 5	\$20
NEW JERSEY	A-481	83	7-83	Under 5	Under 5	Between 1 1/2 & 5 in rear seat	\$10-\$25
NEW MEXICO	S 50	83	8-83	Under 5	Under 5	Between 1 & 5 in rear seat	\$50
NEW YORK	S 383B	81	4-82	Under 5	Under 4	Between 4 & 5 ¹	\$25
NORTH CAROLINA	H-483	81	7-82	Under 2	Under 1	Between 1 & 2	\$10
NORTH DAKOTA	H 1587	83	1-84	Under 4	Under 2	Between 2 & 4	\$20
OHIO	H-608	82	3-83	Under 4 ¹	Under 4 ¹	Between 1 & 4 if not in parent's vehicle	\$10
OKLAHOMA	H-1006	83	11-83	Under 5	Under 4	Under 4 in rear, 4-5 in front or rear	Warning
OREGON	S 283	83	1-84	Under 5	Under 5	Under 5	\$20
PENNSYLVANIA	S 21	83	11-83	Under 4	Under 4	Between 1 & 4 in rear seat	\$25 after 1 st 35
RHODE ISLAND	H 5730	83	7-83	Thru 3	Thru 3	No	\$15
SOUTH CAROLINA	S 37	83	7-84	Under 4	Under 4	Between 1 & 4 in rear seat	\$25
SOUTH DAKOTA	H-1088	84	7-84	Under 5	Under 2	Between 2 & 5	Warning
TENNESSEE	H 300	77	1-78	Under 4	Under 4	No	\$2-\$10
TEXAS	S-3	84	10-84	Under 4	Under 2	Between 2 & 4	\$25-\$50 after
UTAH	S 10	84	7-84	Under 4	Under 2	Between 2 & 4	\$20
VERMONT	H-112	84	7-84	Under 4	Under 4	Between 1 & 4 in rear seat	\$25
VIRGINIA	S-413	82	1-83	Under 4	Under 3	Between 3 & 4	\$25
WASHINGTON	S 2303	83	1-84	Under 5	Under 1	Between 1 & 5	\$30
WEST VIRGINIA	H-917	81	7-81	Under 5	Under 3	Between 3 & 5	\$10-\$20
WISCONSIN	A-400	82	11-82	Under 4	Under 2	Between 2 & 4	\$10-\$200
WYOMING	Introduced, but did not pass						
DIS OF COL	A-194	82	7-83	Under 6	Under 6	Between 3 & 6 in rear seat	\$25
PUERTO RICO							
TOTAL							

FOOTNOTES

- * Law applies only to parents and legal guardians
- Or less than 40 pounds
- ¹ Most States have laws with proof of safety seat acquisition
- ² Except law applies only to children riding in the front seat. Law was amended in 1984 to include children under age 6 (was previously for those under age 2)
- ³ New York in 1983 legislation was enacted (S 2191) requiring use of safety belts incrementally over 3 years beginning in 1984 (for those under age 7) to 1987 (for those under age 10)



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POLICY UPDATE

June 22, 1984

It appears that New York, the sixth state to pass a mandatory child passenger safety law in 1981, will become the first state to pass a mandatory belt use law. An agreement has been reached between the Senate and Assembly sponsors, and the Governor has indicated his support for the measure as well. Although the Senate passed SB9250 earlier this month and sent it over to the Assembly for consideration, this will not be the bill that eventually passes. Instead, agreement has been reached on the Assembly bill, AB30117, which passed on June 21st by a vote of 82-60. It needed 76 votes for passage. That bill now goes to the Senate where it is expected to pass, perhaps as early as June 25th. If enacted, the law will cover all drivers in New York State, not just residents. All front seat occupants, and back seat occupants under 10 years old, must buckle up. The legislation provides for a \$50 fine and would take effect December 1, 1984 with a one-month waiver of the fine. An educational and public information campaign will begin immediately.

Supporters of the bill indicated that, ironically, the recent defeat of a 21 year old drinking age measure may have played a role in the passage of this bill. Some legislators who voted against the 21 bill mentioned during that debate, that the upcoming safety belt bill had more lifesaving potential than the drinking age measure. Perhaps even more important was the New York Coalition for Safety Belts, representing the broad range of organizations promoting the issue. The Coalition, directed by Elaine Petrucelli, Executive Director of the American Association for Automotive Medicine, played a key role in coordinating information and presenting the most persuasive arguments during hearings and in the media.

There was some concern expressed that passage of such a measure might impact the still-embroiled passive restraint issue. On July 11th, Secretary of Transportation Dole is to announce the Government's course of action and comments on a number of options were being requested through a Federal Register notice. One of the options concerned the possibility of exempting vehicles sold in those states with mandatory safety belt laws from compliance with the passive restraint standard. In New York, the Senate and Assembly sponsors, Senator Levy and Assemblyman Graber, have indicated that exception from any applicable federal safety standard is not their intent in supporting the mandatory belt use law.

On the other side, the same day the New York bill cleared the Assembly, the Illinois House defeated a similar Senate-passed bill. Although it may get another opportunity in early July, supporters are pessimistic about its chances.

There are more successes to report in the area of child passenger safety. Two more states, Alaska and Louisiana, report passage of such measures. The Alaska bill has been signed by the governor, and the Louisiana bill was sent to the governor on June 19th and is expected to be signed shortly. The Alaska law requires children 0 to 4 years old to be in child restraints, and 4 to 6 year olds to be in safety belts. It applies to all drivers and although there is no fine, points may be assessed. The Louisiana measure, HB425 requires child restraints to be used for children 0 to 5 years old and allows safety belts to be substituted in the rear seat only for 3 to 5 year olds. There is a warning only until January 1, 1985, thereafter a \$25-50 fine. In addition, the law provides a tax credit for the full purchase price of any child restraint purchased after January 1, 1985.

In the two remaining states, Texas has come a step closer to enacting legislation when SB3 passed the Senate by a vote of 31-0 on June 19th. That bill, currently in the House Transportation Committee, would require child restraints for children 0 to 2 years old if they weigh less than 40 lbs., and safety belts for children 2 to 4 years old and over 40 lbs. Violators would be assessed a \$50 fine. The Texas legislature is in a special session now and technically, only bills sponsored by the Governor can be considered. However, if no legislator objects, other bills may move as is the case with SB3. Senator Parker, the bill's sponsor, expects the bill to pass the House committee and then be officially picked up by the governor as part of his legislative package. Supporters are optimistic that something will pass before the session ends in early July.

That would leave Wyoming as the only state where legislation has not been adopted. 1984 was the first year that bills were introduced in the state and although the efforts were unsuccessful, many supporters felt that it needed to be a two-year process. Already interest has been expressed by some Wyoming legislators concerning efforts in 1985.

A number of other states reported amendments to their child passenger safety laws. Kansas raised the upper age limit to 4 years from 2 years, and added a \$10 fine. Wisconsin broadened the application of their law; it now applies to all resident drivers rather than just parents or legal guardians. In Colorado, an amendment was defeated that would have exempted non-parents from compliance if they were traveling less than 5 miles. Colorado did, however, weaken their law by allowing exemptions for medical emergencies and, more importantly, if all other seating positions are occupied by other passengers. There is a bill pending in Michigan that would weaken its restraint law by allowing additional exemptions. That bill has been held in committee, however, and no action is expected on it. Massachusetts also has related child passenger protection pending; HB3986 would levy a \$50 fine for leaving children 0 - 10 years old unattended in a motor vehicle. That bill may be rewritten by the Criminal Justice Committee. To date, 11 state bills become effective in 1984, 19 states' laws became effective in 1983, and in 1982, 12 laws went into effect. Five states have laws scheduled to go into effect in 1985.

School bus safety has received some attention this year as a number of states have introduced legislation encouraging or mandating the use of belts on busses. None of the bills have received serious consideration and we do not expect any action on this issue in 1984. On the federal level, Representative Peter Kostmayer (D-PA) introduced HB5511 on April 25th. That bill would give incentive grants to states that enact and enforce laws requiring the use of safety belts on school busses. That bill has been referred to the House Public Works and Transportation Committee; supporters do not expect hearings to be held.

Also on the federal level, it appears that the House-passed HBA-616, which would provide an additional \$15 million for the Section 402 program in 1985 and \$20 million for 1986, with 8% of the total 402 funds earmarked specifically for child passenger safety programs, may pass the Senate in late June with some alcohol-related amendments attached. The most notable of those amendments would be SB2719, which would apply sanctions to states that fail to enact a 21 year old drinking age law after a two-year grace period. That bill would then have to go back to the House for concurrence on the amendments. It is hoped that the House will concur with those amendments and the bill will be sent to the President, who has already indicated his support for the 21 measure.

Included with this UPDATE is a compilation of laws and pending legislation on occupant protection. We invite your comments.

NO. 111 50 6 67 1977
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STATE - REGION IX
KANSAS OFFICE

U. S. CHILD PASSENGER SAFETY LANS

June 19, 1964

State/ Effective Date/ Public	Applies to	Age	Requirements	Penalties	Other Provisions	For More Information
ALABAMA 7/1/62 22-6-272	All drivers	0 to 3 yrs.	Federally approved c.r. in front or back seat of m.v. registered in state.	\$10 per offense	Failure to use c.r. cannot be considered contributory negligence. Violation cannot affect insurance rates. Exempt trucks/buses over 1 ton.	Ruby Noonan, Director Highway & Traffic Safety State Hwy. Bldg., Rm 749 11 South Union Montgomery 36130 (205) 832-5973
ALASKA 6-1-63 AS 44.05	All drivers	0 to 4 yrs. 4 to 6 yrs.	Federally approved o.r. in front or back seat of m.v. Safety belt may be substituted.	Infraction, no fine but points may be assessed. Retable within 30 days for 1st offense only.	Bill passed 6/7/64, signed early June. Exemption for school bus & emergency m.v. Cannot remove belts to exempt oneself from law. Comm. of Public Safety can issue medical exemption and specify alternative methods of transportation. Loan and Education program to work through hospitals/birthing centers to be established by Div. of Pub. Sfty. Cannot sell, install seats not conforming to federal regulations. Car rentals to provide c.r. in sufficient quantities.	Charles A. Smith Highway Safety Planning Agency Pouch M Juneau 99811 (907) 465-6371 Alaska CPSA Barbara Berger (907) 276-2631
ARIZONA 7/1/63 28-6-15 §70-907, 908	Resident parent/guardian/custodian	0 to 9 yrs. or 0-40 lbs.	Federally approved c.r. in front or back seat of non-commercial m.v. registered in parent's name in state. If more children than belts, at least 1 child must be restrained.	Warning only until 7/1/64. After 7/1/64, max. \$50, revocable.	Failure to use not admissible in any other judicial proceeding. Receipt of acquisition/purchase may be waived to court in order to waive fine. Vehicle cannot be stopped solely for this offense. Hospitals must provide new parents with copy of law and loaner program info. Fine money earmarked for c.r. fund to purchase seats for indigents. Exemption if vehicle manufactured without belts.	James S. Creeden Deputy Director Arizona DOT 1801 W. Jefferson Phoenix 85007 (602) 235-1216
ARIZONA 8/1/63 §§8173, 2601	Driver regularly transporting children	0 to 3 yrs. 3 to 5 yrs.	Federally approved c.r. in front or back seat of passenger m.v., van or pick-up truck. Safety belt may be substituted.	Warning only between 9/1/63 & 6/30/64. Thereafter \$10-25, revocable.	Failure to use not admissible in any civil action. Exemption for emergencies threatening life of driver or child, or for physical disability of child. Fine money earmarked for c.r. fund to purchase seats. Legislature intends for public info. campaign to be conducted by all involved state agencies & interested organizations. Exemption if all seating positions are occupied.	Tom Parker, Director AR Highway Safety Program 1 Capitol Mall Level 4B Rm. 215 Little Rock 72201 (501) 371-1101

Statute Effective Date/ District	Applies to	Age	Requirements	Penalties	Other Provisions	For More Information
CEL 98081A 7/1/83 Veh. Code 12-3-3.3 927331	Resident parent/legal guardian, either as driver or passenger in own m.v.	0 to 4 yrs. or 40 lbs.	Federally approved c.r. or truck weighing less than 6001 lbs. registered in state owned/operated by parent/legal guardian.	Waivable for 1st offense, \$50-200 add'l offenses. Parent responsible if in m.v. at time of violation	Retailer may not sell or install c.r. not meeting Fed'l standards. Exemption for physical impracticability.	Peter O'Rourke, Director Ofc. of Traffic Safety 7000 Franklin Blvd. Sacramento 95822 (916) 445-0527 CA, CP, SA: Sandra Sparks (619) 224-2731
CEL 98080 1/1/84 92-0-23XMS	Resident Driver	0 to 4 years and under 40 lbs.	Federally approved c.r. in front or back seat of privately-owned non-commercial passenger m.v.	\$25, waivable	Violation shall not constitute negligence per se or contributory negligence per se. Cannot sell, install, etc., c.r. not meeting Fed'l standards. Amended in 1984 to allow exemptions for medical emergencies or if all other seating positions are occupied. Original amendment was significantly weaker, would have exempted from compliance non-parents travelling less than 5 miles.	Cordeil Smith, Director Division of Highway Safety 4201 E. Arkansas Denver, 80222 (303) 737-9301 CO. Coalition for CP's: Diane Emerick (303) 737-9301
CEL 98101 7/1/82 N-162c CS	Driver	0 to 1 yr.	Federally approved c.r. in front or back seat of m.v. (not including r.v., 1 ton trucks or busses)	\$15-100, waivable.	Failure to use does not constitute contributory negligence and cannot be used in civil action.	Norman C. Roeth, C.R. Ofc. of Highway Safety, 8 29 Walnut Hill Road Bethersfield 05109 (203) 566-4248
CEL 98102 7/1/82 N-162c CS	Parent/legal guardian	1 to 4 yrs.	C.R. in front seat or safety belt in back seat.			Francis A. Jami, C.R. Ofc. of Highway Safety 7 E. Lockerman St., PM Dover 19001 (302) 736-0441
CEL 98103 7/1/83 46-1261	Resident drivers or driving m.v. registered in D.C.	0 to 4 yrs.	Federally approved c.r. in front or back seat of m.v. owned & operated by parent/legal guardian.	\$25, waivable for 1st offense only, no points.	Failure to use not contributory negligence nor admissible in any civil action. Multiple violations arising out of same offense shall be treated as one violation.	Dr. Chrissy, Coordinator Highway Safety Program 415 12th St., N.W. Wash., D.C. 20004 (202) 727-5777 Automotive PSA: Maurice Veal (202) 724-4585

Statel/ Effective Date Section	Applies to	Age	Requirements	Penalties	Other Provisions	For More Information
FLORIDA 7/1/87 306.268	Parent/legal guardian	0 to 4 yrs.	Federally approved c.r. in front or back seat of passenger car, van, or pickup truck registered in state.	\$15, waivable.	Failure to use, not negligence or admissible in civil action. DMV to provide notice of law with license plates. Legislature intends for public info. campaign to be conducted by all involved state agencies and interested organizations.	Sandra Whitacre Bureau of Highway Safety 2571 Erec. Ctr. Circle E. Tallahassee 32301 (904) 868-3435
GEORGIA 7/1/88 360C04	Resident driver, customarily transports children	0 to 3 yrs. 3 to 4 yrs.	Federally approved c.r. in front or back seat of passenger car, van, or pickup truck registered in state. Safety belt may be substituted.	\$25, waivable if acquisition within 14 days.	Violation shall not be contributory negligence or negligence per se. Exemption for attending to personal needs of child and for church, school car pools. Gov. Ofc. of Highway Safety, to implement and coordinate program to inform citizens of need for law.	Minward C. McGuire Dir. Ofc. of Highway Safety 2175 M. Lake Pkwy. Dldg 4, Suite 144 Tucker 30084 (404) 393-7400 CA, CP, SA, Joyce Palzer (404) 476-1542
ARKANSAS 7/1/80 CAR1 (Use law) CAR2 (11A Credit)	Driver	0 to 3 yrs.	Federally approved c.r. in front or back seat of m.v. Taxis, emergency, mass transit, m.v.s exempt. Safety belt may be substituted.	Max \$100 Penalty §291C 161 (b)	Failure to use, not contributory negligence. If 8 of persons exceed 8 of belts, all belts to be used & unrestrained children in back seat. Exemption for emergency, commercial, for hire, mass transit, school bus vehicles. \$25 income tax credit for purchase of c.r. effective 1/1/82.	Ryokichi Higashimura, Director, DOT 79 S. Mielitz Highway Honolulu 96811 (808) 548-3203 Child Trans. Sfty. Coal. Kessie Wells (808) 732-7526
MISSISSIPPI 1/1/85 CR7 Title 49 § 763	Resident parent/legal guardian	0 to 4 yrs. or less than 40 lbs.	Federally approved c.r. in front or back seat of all non-commercial m.v.	Infraction, max. \$100, waivable.	Failure to use not contributory negligence nor admissible in civil action. Exemption if more passengers than safety belts. Children 0 to 4 yrs. must be in back seat. Exemption for attending to personal needs of child.	William C. Miller Ofc. of Hwy. Safety, DOT P. O. Box 7129 Bolsa 03707 (208) 334-2533 Coal. for CP Protection Same as above.
ILLINOIS 7/1/78 CR1-1/2, CR1-1011	Resident parent/legal guardian	0 to 4 yrs. 4 to 6 yrs.	Federally approved c.r. in front or back seat of m.v. or r.v. owned & operated by parent/legal guardian. Safety belt may be substituted.	1st offense: \$25, waivable. \$50 subsequent.	Failure to use not contributory negligence nor admissible in civil trial.	Larry Wort, Chief Bureau of Safety Programs 2300 S. Dirksen Pkwy. Springfield 62704 (217) 782-4374 II, CP, SA, Corry Gardner, M.D. (312) 655-2084

State/ Effective Date statute	Applies to	Age	Requirements	Penalties	Other Provisions	for More Information
MOLINA 1/1/75 KC-8-17	Driver	0 to 3 yrs. 1 to 5 yrs.	Federally approved c.r. in front or back seat of m.v. registered in state. Safety belt may be substituted.	\$30-\$50, Judge can order person to obtain c.r. in 30 days & then waive fine.	Failure to use not contributory negligence. Court to forward records of violations to DMV. Exemption for school bus, taxicab, rental vehicles, and ambulances.	Walter Frick, C.R. Div. of Traffic Safety Rm 801, State Ofc. Bldg. Indianapolis 46204 (317) 232-1297 IM-CP&A; Carol Dingledy (812) 372-0141
FROM 1/1/85	Resident drivers.	0 to 3 yrs. 1 to 6 yrs.	Federally approved c.r. in front or back seat of m.v. weighing less than 10,000 lbs. Safety belt may be substituted.	Misdemeanor. \$10 fine, waivable for 1st offense only.	Failure to use c.r. does not constitute negligence nor is failure admissible in civil actions. Physician can issue exemption in certain cases.	Sven Sterner, Director Ofc. of Planning & Program 323 E. 12th Street Des Moines 50319 (515) 281-3868
KANSAS 1/1/82 CN78-73-2601 to 2687 Amended 7/1/86	Resident parent/legal guardian	0 to 4 yrs. (was 0 to 2 yrs.)	Federally approved c.r. in front seat of m.v. registered in state.	\$10 fine, must be waived if acquisition date (as original warning only).	Exemption if child transported in temporary substitute vehicle. 1984 amendment deleted provision that "failure to use not negligence per se," also added fine, and raised age limit. KS D01 to make available info. on CPS for dissemination by law enforcement officers.	John B. Kemp, Sec. Kansas DOJ State Ofc. Bldg., 7th Flr. Topeka 66612 (913) 296-3661
MISSOURI 7/15/82 RMS 109.125	Resident parent/legal guardian	0-40 inches in height	Federally approved c.r. in front or back seat of m.v. owned/operated by parent/legal guardian. Does not apply to 1 ton trucks or r.v.s.	Warning only.	Failure to use not contributory negligence nor admissible in civil actions.	Joe Ann O'Hara, Commander KY State Police State Ofc. Bldg., #326 Frankfort 40691 (502) 566-7076
ILLINOIS MS321295 to Gov. 6/1/81, not yet aligned.	Resident driver	0 to 3 yrs. 1 to 5 yrs.	Federally approved c.r. in front or back seat. Safety belt may be substituted in back seat only.	Warning only until 1/1/84; thereafter \$25-\$50 waivable.	Violation not considered comparative negligence nor admissible in civil action. If more children than belts, unrestrained children to be in back seat. Exemptions for emergencies or emergency m.v.s. or for physical/medical reasons. Cannot be cited more than once in 24 hr. period. Tax credit for full purchase price 1/85.	Steve Young LA Hwy Safety Commission P. O. Box 44061 Cap. Sta. Baton Rouge 70804 (504) 925-6791 Shreveport CP&A; Patil Brauman (318) 865-7365
MAINE 9/23/83 288R1A 1348-B	Resident parent/legal guardian Driver, other than parent/legal guardian.	0 to 4 yrs. 0 to 1 yr. 1 to 4 yrs.	Federally approved c.r. in front or back seat of m.v. registered in state. owned/operated by parent/legal guardian. Same as above Safety belt may be substituted. Exempt from complying if all seats occupied.	Warning only first 6 months, thereafter \$25-1st offense, \$50-2nd offense.	Failure to use not negligence nor admissible in civil or criminal violation. Cannot be found in violation 2nd time within 24 hrs. of 1st violation.	Al Godfrey, Director Bureau of Safety 46 Hospital Street Augusta 04330 (207) 289-2581

Class/ Effective Date State	Applies to	Age	Requirements	Penalties	Other Provisions	For More Information
MD/PA/VA 1/1/80 Transp. 22-412.2	Driver	0 to 3 yrs. 1 to 3 yrs.	Federally approved c.r. in front or back seat of passenger or multi-purpose m.v. registered in state. Safety belt may be substituted.	\$25, valuable, not moving violation.	Violation is not contributory negligence & cannot be admitted in civil action. Multiple violations arising out of same offense, considered single violation. C.R. or safety belt cannot be used for more than 1 person at a time. Exemption for medical problems, physician must certify. Exemption if # of children exceeds # of positions, positions must be filled by children & adult children are not in violation of law. DOI and Dept. of Health shall implement law & develop education/promotional efforts.	William Carson, Director Trans. Safety Div. P. O. Box 6755 BRI-MD, 21240 (301) 659-7157 MD, CPSSA: Ken Roberts, M.D. (301) 578-5832
MO/CA/DC/IL/IS 1/1/82 CPS-17MA	Driver	0 to 3 yrs.	Federally approved c.r. or safety belt in front or back seat of m.v.	\$25, valuable.	Violation not used as contributory negligence in civil action. Exemption if # of people exceeds # of positions and all available restraints are used. Exemption if riding in m.v. not equipped with safety belts, or if physically unable.	Terrance Schwone, Dir. Gov. Highway Safety Bureau 100 Charles River Plaza 9th floor Boston 02114 (617) 727-5076 Mass. Passenger Safety: Paul Schreiber, M.D. (617) 586-3600
RI/CA/DC/IL 4/1/82 237.907-7104	Resident driver	0 to 1 yr. 1 to 4 yrs.	Federally approved c.r. in front seat of passenger m.v. Federally approved c.r. in front seat or safety belt in rear seat	Max. \$15, valuable. CIVIL infraction.	Sec. of State may issue exemptions due to physical difficulties. Exemption while baby is being nursed. Judge may order treatment, educ. or rehab. for violators.	Judy Hyberg Coleman Dir., Rest. Coor., OHSB 111 S. Cap., Lower Level Lansing 48913 (517) 373-6011 MI, CPSSA: Mike Rank (313) 494-3455
RI/CA/DC/IL 1/1/82 149.605 Sub. a	Resident parent/legal guardian	0 to 4 yrs.	Federally approved c.r. in front or back seat of m.v.	Petty misdemeanor, penalty valuable. Max. \$25 fine for 2nd offense within 1 yr. No points assessed.	Failure to use not admissible in cases involving personal injuries or property damage. Fine was added in 1983 legislation and is effective 8/1/83.	Tom Baerner, Director Dept. of Public Safety 207 Trans. Building St. Paul 55155 (612) 296-6933

State/ Effective Date Statute	Applies to	Age	Requirements	Penalties	Other Provisions	For More Information
MISSOURI 1/1/84 109, 106, 107	Resident Driver	0 to 4 yrs.	Federally approved c.r. in front or back seat of m.v. registered in state. Safety belt may be substituted in back seat at any age.	Max. \$25.	Failure to use c.r. does not provide basis for claim of criminal/civil liability or negligence nor contributory negligence. If # of children exceed # of seat positions, all other children must be transported in rear seat. Exemption for temp. substitute vehicle or taxis. Dept. of Public Safety to develop public information program. 1984 amendment to limit application to parent/legal guardian only failed.	Edward Danfel, Director Dept. of Public Safety P. O. Box 749 Jefferson City 65102 (314) 751-4905
MINNESOTA 1/1/84 Ch177 title 61-9-013 to 61-9-023	Resident parent/legal guardian	0 to 2 yrs.	Federally approved c.r. in front or back seat of m.v. owned/operated by parent/legal guardian (or spouse). Safety belt may be substituted. 2 to 4 yrs or less than 40 lbs.	1st violation is warning and no penalty if c.r. is acquired, otherwise \$10-25. 2nd violation, \$25-100.	Evidence admissible without presumption of negligence. Admissible in civil action for personal injury or property damage, but failure to comply does not alone constitute negligence. Highway Division may exempt due to medical or physical problems. No family is required to have more than 3 c.r.s. Exempt are buses, taxicabs, m.v. not required to be equipped with belts, 2-seater cars.	Albert Coke, Administrator Highway Traffic Safety 303 N. Roberts Helena 59620 (406) 449-3612
NEBRASKA 7/1/83 31	Resident driver including day care Day care only.	0 to 1 yrs. 1 yr. & older (no upper age specified)	Federally approved c.r. in front or back seat of m.v. Safety belt can be substituted. Safety belt can be substituted.	\$25 fine, w/valuable for purchase or minimum 1 yr. rental.	Violation does not constitute negligence nor shall compliance constitute defense. Taxis, m.v. manufactured before 1963 are exempt. Dr. can issue medical waiver as exemption. If not shown to police at stop \$10 fine.	Holly Jensen, Director Dept. of Motor Vehicles 301 Centennial Mall S. Lincoln 68509 (402) 471-2281
NEVADA 7/1/83 C444-1	Driver	0 to 3 yrs. 3 to 5 yrs.	Federally approved c.r. in front or back seat of m.v. registered in state. C.R. in front seat or safety belt in back seat of m.v. registered in state.	\$25-100 fine or w/valuable within 18 days.	Violation not considered negligence in civil action. Dr. can issue medical waiver, statement must be carried in vehicle. Taxis, school buses, emergency or rented m.v. are exempt. If more occupants than seating positions, preference to be given to 0-3 yr. olds and unrestrained 0-5 yr. olds to be in back seat of m.v.	Mary Lynne Evans DMV, 555 W-19th Way Carson City 89711 (702) 885-5720

Section/Effective Date	Applies to	Age	Requirements	Penalties	Other Provisions	For More Information
NEW REGULATIONS 7/1/83 RELATES-907a	Driver	0 to 3 yrs.	Federally approved c.f. in front or back seat of m.v.	Max. \$10, valuable upon acquisition and use.	Violation not used as contributory negligence in civil action. Vehicles for hire are exempt. Exemption for children with physical problems.	John Ichterfree, Coordinator Highway Safety Agency 117 Manchester St. Concord 03301 (603) 271-2131 TJ, CP5A; Debora Prum (603) 646-3473
NEW REGULATIONS 6/1/83 RELATES-3-76, 2a	Driver	0 to 18 mos. 18 mos. to 3 yrs.	Federally approved c.f. in front or back seat of m.v. C.R. in front seat or safety belt may be substituted in back seat.	\$10-25 fine valuable.	Failure to use, not contributory negligence nor admissible in civil action. If 8 of children in 1 family exceed 8 of seating positions, unrestrained children must be in back seat.	William Taylor, Manager Highway Safety Ofc. Stuyvesant Ave. CM-046 Trenton 08625 (609) 292-3900
NEW REGULATIONS 4/1/83 RELATES-368, 369	Driver	0 to 1 yr. 1 to 3 yrs.	Federally approved c.f. in front or back seat of m.v. (car, van or pick-up truck) registered in state. C.R. in front seat or safety belt substituted in rear seat only.	\$50, valuable.	Violation not evidence of negligence. Emergency m.v.s. buses exempt. Exemption if all seating positions equipped with belts are occupied. Vehicle cannot be stopped solely for this offense.	John Jenner, Chief Traffic Safety Bureau P. O. Box 1028 Santa Fe 87501 (505) 827-4776
NEW REGULATIONS 4/1/82 RELATES-1799-C Amended 4/2/82 Amended 6/83	Driver	0 to 4 yrs. 4 to 6 yrs. 6 to 10 yrs.	Federally approved c.f. in front or back seat of passenger m.v. registered in state. Safety belt may be substituted (1982 amendment). Safety belt must be used. Implemented incrementally.	Max. \$25 valuable	M.V. owner to not allow operation of vehicle unless all children are restrained. School buses exempt. 1983 amendment provides for incremental implementation: 4/1/84 - under 7 yrs.; 4/1/85 - under 8 yrs.; 4/1/86 - under 9 yrs.; 4/1/87 - under 10 yrs. old.	William G. Rowke Intercept. Traffic Safety Commission Sean St. Building Albany 1220 (518) 474-5777
NEW REGULATIONS 7/1/82 to 7/1/83 RELATES-137, 1	Assistant parent/legal guardian	0 to 1 yr. 1 to 2 yrs.	State approved c.f. in front or back seat of m.v. owned/operated by parent and registered in state. Safety belt may be substituted.	Warning only until 6/30/84, thereafter \$10 fine.	Violation not constitute negligence per se nor contributory negligence. Exemption if child's personal needs being attended. Exemption if all other seating positions equipped with c.f. or belts are occupied. UPC-K5MC to conduct effectiveness studies while law is in effect.	Edward Guy, C.R. Ofc. Highway Safety 213 E. Lane St. Raleigh 27601 (919) 733-3083 HC, CP5A Regional Reps Donna Suttles (919) 962-2202

State/ Effective Date Statute	Applies to	Age	Requirements	Penalties	Other Provisions	For More Information
MISSISSIPPI 1/1/80 Can. Laws 131-22-22	Driver	0 to 3 yrs.	Federally approved c.r. in front or back seat of m.v.	\$15 fine recorded on license, valvable.	Violation not contributory negligence nor admissible in civil action. Back seat provision added in 1981.	Edward Walsh, Coordinator Office of Highway Safety 945 Harris Ave. Providence 02909 (401) 277-3024
SOUTH CAROLINA 7/1/83 1976-34-5-6410	Driver	0 to 1 yr.	Federally approved c.r. in front or back seat of m.v. (incl. pick-up truck, van, r.v.) registered in state or primarily operated on highways of state.	Min. \$25, valvable. Warning only until 7/1/84.	Violation not negligence nor admissible in civil action. Income tax credit allowed for purchase of c.r. Exemption if all seating positions are occupied, priority given to children 0 to 3 yrs. Exemption if child being fed or has medical problem, alternate means to be used if feasible.	Ms. Patrick Noble Off. Highway Safety 1205 Pendleton St., #401 Columbia 29201 (803) 750-2237
		1 to 4 yrs.	Federally approved c.r. in front seat of m.v. as above.	Federally approved c.r. in front or back seat.		
SOUTH CAROLINA 7/1/84 1976-34-5-6410 (not codified yet)	Resident parent/legal guardian.	1 to 4 yrs.	Safety belt may be substituted in back.		Violation not admissible in civil action. Exemption for attending to child's personal needs. Exemption if all seating positions are occupied.	James Feeney State/Comm. Programs Dept. of Public Safety 110 W. Capitol Ave. Pierre 57501 (605) 773-3675
		2 to 5 yrs.	Federally approved c.r. in front or back seat.	Hazard warning only.		
TIDAL STATE 1/1/78 Amended 1/1/81 (35-9-216(b))	Resident parent/legal guardian	0 to 4 yrs.	Federally approved c.r. in front or back seat of m.v. registered in state & owned and operated by parent/legal guardian.	\$2-10	Violation not contributory negligence nor admissible in civil action. R.V.s, 1 ton trucks, exempt from compliance. 1981 amendment deleted provision allowing child to be held in arms of older passenger. Now, can only hold child while attending to needs or nursing.	Mike Ellis, Director Highway Safety Program J.K. Polk State Off. Bldg #600 Nashville 37219 (615) 741-2389
		0 to 2 yrs.	State approved c.r. in front or back seat of m.v.	Infraction, min. \$20, valvable.		
IN 1/1/80 41-6 140.29	Resident parent/legal guardian.	0 to 2 yrs.	State approved c.r. in front or back seat of m.v.		Violation is not admissible in civil action with regard to negligence. Exemption if all seating positions are occupied.	Robert Parentl, Dir. Mey. Safety Div. 4501 South 2700 West Salt Lake City 84119 (801) 963-4410
		2 to 5 yrs.	Safety belt may be substituted.			
VERMONT 7/1/84 23VSA14(44) 23VSA1730	Driver	0 to 1 yr.	Federally approved c.r. in front or back seat of m.v. registered in state.	\$25, valvable for 1st violation only.	Exemption for physical condition. Exemption if # of children exceeds # of belts all children less than 1 yr. must be restrained and all other belts must be used.	Donald Reaick, Dir. Trans. Planning 133 State St. Montpelier 05602 (802) 870-2704 VI.S/ATI Casie Tellstone (802) 862-3701
		1 to 4 yrs.	Safety belt may be substituted in back seat only.			

State/ Effective Date Statute	Applies to	Age	Requirements	Penalties	Other Provisions	For More Information
VIRGINIA 1/1/83 46.1-4-91 §19.2 to 19.7	Parent/legal guardian	0 to 6 yrs. & under 40 lbs. Under 4 yrs. but over 40 lbs.	State police approved c.f. in front or back seat in m.v. registered in state. Seat belt may be substituted.	\$25 or \$10 for not carrying physician's exemption. Valuable for financial inability.	Violation not negligence nor does it constitute defense for claim against personal injuries. Fine monies earmarked for Child Restraint Device Special Fund to purchase c.f.'s for low-income families. Exemption for medical reasons. Driver to carry physician's statement. Exemption if # of people occupying vehicle make it impractical.	John Hanna, Director Dept. of Transp. Safety 300 Turner Rd. 2 Richmond 23225 (804) 757-6670
INDIAN Chap. 37, 46.61	Resident parent/legal guardian	0 to 1 yr. 1 to 5 yrs.	State approved c.f. in front or back seat in m.v. registered in state & owned and operated by parent/legal guardian. Safety belt may be substituted.	Warning until 7/1/84. Hereafter min. \$30, valuable within 7 days.	Failure shall not constitute negligence nor admissible in civil action. State Commission on Equipment to adopt standards for c.f. by Oct. 1, 1983.	William Lathrop, Director Wash. Traffic Safety Comm 1000 S. Cherry St. Olympia 98504 (206) 753-6197
MISS VIRGINIA 7/10/81 17C-14-46	Driver regularly & customarily transporting children	0 to 3 yrs. 3 to 5 yrs.	Federally approved c.f. in front or back seat of passenger car, pickup truck, or van registered in state. Safety belt may be substituted.	\$10-20 fine valuable within 30 days	Violation not negligence in civil cases. M.V.s for hire are exempted.	Alicia Tyler, C.R. Crim. Justice & Hwy. Sfty 5790-A MacCorkle Ave., S. Charleston 25304 (304) 340-8014 WV.CPSA Hobert Foss (304) 293-5601
DISCOUNT 11/1/82 247.40, 247.50, 247.32(2)ht, 247.40(a), 30(3)(e) and 1904 A0726	Resident driver (amended from resident parent/legal guardian)	0 to 2 yrs. 2 to 4 yrs.	Federally approved c.f. in front or back seat of m.v. Safety belt may be substituted.	If child 0-2, \$30-75 fine. Child 2-4, 1st offense \$10-25, 2nd offense \$25-200. Waiver for 0-2 only.	Evidence of compliance or failure to comply is admissible in civil action but failure to comply does not, by itself, constitute negligence. Busses, taxis, vehicles not required to have belts are exempt. Exemption for medical reasons. No resident required to have more than 3 c.f. in vehicle. 1984 Amendment: If parent is in car, parent will receive violation, otherwise driver is liable! exemption for attending to personal needs of child but only in back seat, and adult must physically restrain child during that time.	Hayward C. Steeber Highway Safety Coordinat 4802 Sheboygan, Box 7910 Madison 53707 (608) 266-0402 Portage City CP&A Elaine Kizmeki (715) 341-7042

PENDING STATE OCCUPANT RESTRAINT LEGISLATION

June 20, 1968

State	Type/Bill Number/ Sponsor(s)	Requirements & Provisions	Status
DELAWARE	Delli: S0448 Sen. Forbert, & other Senators & & Representatives	All occupants must wear safety belts. Maximum \$25 fine.	In Public Safety Comm. since 5/15/68. Session ends 7/1/68.
CALIFORNIA	Delli: S0192A Sen. Carpenter	All occupants must wear available safety belts. Misdemeanor.	Intro. 1/5/68. Held in Trans. Comm.
ILLINOIS	Delli: HB2800 Rep. Cullerton	Driver and front seat passengers required to use safety belts. \$25 fine, petty offense. Exemptions: for medical reasons (must possess written statement from physician); certificate from other state for non-residents who are unable to comply for medical/physical reasons; frequently stopping vehicles if speed between stops is less than 15 mph; U.S. postal workers; if operating vehicle in reverse.	Passed House with tech. amend. In late May. Senate, but not yet assigned to Comm. May be to bypass Comm. process and go for floor vote due to late timing. Doonan's look good however
	Delli: S0167J Sen. Chase	Same as HB2800.	Was recommitted back to Transp. Comm. after Senate floor debate on 5/27.
	Busi: S0194J Sen. D'Arce	All 1965 or later model school buses must be equipped with seat safety belts for each passenger.	Intro. 2/20/68. In Senate Rules Committee.
	Busi: S01890 Sen. Marowitz & Carroll	Requires manufacturer to have pre-installed safety belt mountings and brackets to enable districts to install, if desired, passenger safety belts. School districts may require use of safety belts in school buses.	Intro. 5/28/68. In Senate Rules Committee.
MISSOURI	Deli	16 bills pending, related to school bus safety (primarily requiring safety belt installation and use.)	All have been included in 1968's providing for feasibility study of belts on buses by a special commission. Reported favorably by H Comm., in Joint Rules Comm. since 2/29.
	C.R.I. HB3766 Rep. Dorem	Prohibits leaving child 0 - 10 yrs. unattended in a.v. Max. \$50.	In Crim. Justice Comm. Will be rewritten by Comm.

State	Type/Bill Number/ Sponsor(s)	Requirements & Provisions	Status
MICHIGAN	Belli: SB741 Sens. Faust/Cruce	Driver and front seat passengers required to use safety belts. Driver will receive penalty for violation if passenger is 0-16yrs. old. Civil infraction.	Intro. 3/8. Passed Senate with amendments on 6/5. In House Insurance Committee.
	Belli: SB742 Sens. Faust/Cruce	Provides for November '84 voter referendum on safety belt law.	Tied to passage of SB741.
	Belli: HB4203 Reps. Hollister/ McNamee/Forbes/ etc.	Requires drivers and front seat passengers to wear properly adjusted safety belt. Exemption can be obtained from Sec. of State's Office (no reason need be given). Also exempted are: m.v.s equipped with air bags, m.v.s not req. to be equipped with belts, rural letter carriers, medical exemptions. Civil infraction, no points, no liability for failure to use. Sunsets 4/1/87.	In Insurance Comm. Gov. has indicated support. Hearings held will not be brought out until votes are sure.
	Belli: HB4927 Reps. Brown/ McNelly/Hollister	Requires insurance companies to file reports explaining how rates have been affected by mandatory safety belt law (should HB4203 pass). Material also to be sent to insureds. State police to report on compliance levels.	Reported out of Insur. Comm. 9/8/83. Not voted by floor, sent back to Comm.
	Belli: HB4962 Rep. Remane	Evidence of non-use of safety belt can be introduced as evidence on question of damages claimed as result of personal injury. Cannot be awarded if person was not wearing belt. This does not apply if injury occurred while car was parked legally. (This provision is in the House version only.)	Intro. 9/8/83. In Judiciary Committee.
	Belli: SB489 Sens. Shinkler, Blasfield, etc.	Same as HB4962.	Intro. 9/8/83. In Senate Jud. Comm. since.
	Belli: HB4964 Rep. McGee	Restricts traveling in open bed or open cargo area of m.v. unless doing so as part of employment or unless using safety belt. Civil infraction.	Defeated twice on floor, recommitteed to Trans. Comm.
	C.H.: SB185 Sen. Henry	Weakens existing c.r. law. Allows exemptions for: non-residents, nursing children, any child less than 1 yr. old transported as part of recog. volunteer program, or driving his/her own car and not transporting same child on regular basis.	Intro 3/8/83, In State Affairs & Trans. Comm. since then.
	Belli: HB3502 Reps. Rance/ Hollister	Cannot operate school bus unless equipped with safety belts for driver and all seated passengers.	Intro. 5/2/84. In Trans. Comm.
NEW YORK	Belli: AB61 Assem. Muller/ Bennett	Driving instructor and student driver required to wear safety belts while operating m.v. \$25 for first offense, \$50 subsequent.	Passed. Sent to Gov. May 27th, not yet signed.
	Belli: AD1493	School bus safety.	In Assam. Educ. Comm. since 2/27.

CHILD PASSENGER PROTECTION

A Guide for State Legislation

Prepared by Annemarie Shelness

Introduction

To date (April, 1982), nine states have enacted laws requiring small children riding in cars to be restrained in special safety seats. (Some states permit use of standard belts as an option to special child restraints). Many more states will be considering similar bills in the near future (Appendix I).

The components of these bills vary considerably. For example, upper age limits range from two to five; belt use is allowed in some states, but not in others. There are no sound reasons for these variations.

The inconsistencies and contradictions which exist in the statutes now on the books or about to be voted on have lead to confusion on a number of important factors:

- Up to what age should children be protected?
- What is the best means of protection?
- Should belt use be permitted as opposed to special restraints only?
- Should only parents and guardians be made responsible for the child's safety or should the law apply to any person operating the vehicle in which the child is traveling?
- How about parents on public assistance?
- What should be the policy when the number of small children in the family exceeds the number of belts in the vehicle?
- How can the law be enforced?

These and other aspects must be addressed when bills are drafted.

It has become increasingly evident that there is need for a "Model" child passenger protection law to serve as a guide for states to follow. The succeeding pages contain carefully documented recommendations and explanations intended to assist legislators in formulating a sound child passenger protection bill.

The Problem

Motor vehicle accidents rank as the leading cause of death and injury in childhood once the critical early period has passed. In the last decade alone, almost 10,000 children under the age of five lost their lives as passengers in automobiles (1). Of the hundreds of thousands injured, many are left with permanent disabilities, mental and/or physical.

Unrestrained children can also be the cause of accidents by distracting the driver (2). Furthermore, fatal injuries occur as the result of children falling out of cars in non-crash situations (3).

The Remedy

Seat belts have long been recognized as the single, most effective safety device available. It has also been shown that the majority of deaths among children could be prevented and the severity of injuries reduced through the use of appropriate restraining devices (4,5,6).

What experts view as "appropriate" for children will be dealt with later.

How Can Child Restraint Use be Encouraged?

The number of children riding adequately protected is, unfortunately, small (7). While educational programs have been shown to increase protection (8), it is believed that legislation, combined, of course, with public information, brings about the quickest results. In Tennessee, where a child passenger protection law has been in force since 1978, restraint utilization has tripled (9).

Up to What Age Should Protection Be Mandated?

Restraint use should be mandated for all motorists, regardless of age, as has been done in 28 countries or provinces across the world (10).^{*} At the very least, belt use should be required for all minors. The fatalities in the late teens are more than 10 times higher than among children 0-3 (11).

As a matter of political expediency, the emphasis in the U.S. is for the present being placed on protecting the very young. It has been found that legislators are more receptive to mandating protection for small children than for adults or even school-age children. It would seem desirable as well as feasible, however, to include the pre-teen years when parents are still largely in control of their youngsters' activities.

Age four developed as a natural cut-off point because special restraints are the preferred means of protection until then (12,13). It should be borne in mind that some children exceed manufacturers' specified height and/or weight limits even before reaching their fourth birthday. A law that does not allow belt use must therefore specify maximum weight and height limits rather than age alone. For the majority of devices on the market these are 40-pounds and 40 inches, respectively (Appendix II).

^{*}Ironically, children are excluded from these laws. Only Australia and the Canadian province of Saskatchewan now require that children ride restrained. Eight European countries require that children ride in the back seat.

State	Type/Bill Number/ Sponsor(s)	Requirements & Provisions	Status
NEW YORK	Belt: S89730 Sen. Levy	Requires front seat occupants to use safety belts. \$25-50 fine. Eff. 1/1/85.	S89730 passed Senate 3/7/85 on 4/15. To be combined with AB1163a. Front seat only, except children under 10 yrs. who must be restrained front and back seats. Some penalties and implementation date as AB1163a (includes deletion of phase-in period for 10 yr. olds). Assembly to vote 6/21. Senate may concur by 6/22. Gov. has indicated he will sign.
	Belt: AB1163a Asm. Graber	Requires occupants to use safety belts. Max \$50 fine. Eff. 12/1/84, no penalties until 1/1/85. Education campaign to be undertaken.	Intro 1/17/83. No action.
	Belt: AB1335 Asm. Freund	Safety belt use required for 5-18 yr. olds. Owner of vehicle is liable.	Passed Senate 3/9/83. In Assem. Comm.
	C.R.: S8413-A Sen. Levy	Day care/nursery school transporters must use c.r. for passengers 0 to 4 yrs. old, and safety belts for 4 to 5 yr. olds.	Passed Senate 3/7/80. In Assembly Trans. Comm
	C.R.: S87591 Sen. Levy	Strengthens current c.r. law by applying it to commercial m.v. including vans, pick-ups and rental cars.	In Assem. & Senate Comms. since 1/83. No action.
	Busi: S8700 Sen. Levy	\$25 tax credit for purchase of c.r.	In Educ. Committee, will not move due to Comm
	Busi: AB3443 Asm. Saland		
	Busi: S83102-B Sen. Levy	All buses manufactured for use in N.Y. after 4/1/85 must have safety belts for drivers and all passengers.	In Educ. Committee, will not move due to Comm
FLORIDA	Belt: S81421 Sen. Early	All front seat occupants must wear safety belts. Driver fined \$25 for all offenses, summary offense. (Exemption if medical/physical reason.)	Intro. 6/7. Has 19 co-sponsors (out of 50). May be too late in session (adjourn in Nov., summer recess soon).
	Belt Sen. Early	Should require safety belt use for drivers between 16 and 18 yrs. of age. (Similar to New York Law.)	To be offered as an amendment to a House-pass bill.
	Busi: S8374 Sen. Rappaport/ Michelewic, etc.	School buses must be equipped with seat belts. Cannot operate school bus unless all pupils are buckled up. Summary offense \$50-100.	In Trans. Comm. since 3/18.
TEXAS	C.R.: S83 Sen. Partner	Driver required to restrain children 0 to 2 yrs. old and under 40 lbs. in a c.r. Between 2 and 4 yrs. (or if under 2 yrs. and over 40 lbs.) safety belt may be substituted. \$50 fine, valuable.	Special session. Passed Senate 11-0 6/19. Although not technically part of Gov's. pack bill can proceed unless someone objects. Appears that it will get through House Comm. then Gov. will include it in his package. Session ends 7/4/84.

What Are the Objections to Child Restraint Laws?

There are two major problems of which proponents of legislation must be aware. One concerns the expenditure involved in providing restraining devices. This can be a critical issue for low-income families, especially where there are several children under the age of four who would require special restraints.

Difficulties also exist with nursery school car pooling. Securing several children in safety seats is a formidable task if it is to be done correctly. It is therefore not only possible but even probable that many seats would be improperly secured. This applies particularly to those requiring top anchor straps. These seats can only be used in cars equipped with anchor brackets (14). Omitting the use of the top anchor strap greatly reduces the protective potential of these seats.

Allowing the use of lap belts as an alternative to special restraints would eliminate the problems just described, and ensure an acceptable level of protection where in all too many instances none would be provided.

What Is the Best Way of Protecting Young Children?

Ideally, small children should be using special restraints capable of distributing crash forces over a large area of the body. It is important to note, however, that there is nothing significant about this cut-off age. [Only infants up to 12 months have been shown to be particularly vulnerable in crashes (15).] It simply amounts to the fact that few devices will accommodate children above that age.

While special child restraints represent the "ideal" means of protecting the very young, it is believed that mandating special restraints only will not have the best possible yield in terms of the overall number of children riding effectively protected.

Should State Laws Permit the Use of Seat Belts?

Although special child restraints, providing they are used correctly, are certainly the preferred means of protection up to age four, the answer to the question is an emphatic "yes" (16, 17). Dr. John W. Melvin, Head of the Biomechanics Department, Highway Safety Research Institute, University of Michigan, who conducted in depth investigations of crashes involving small children (5,6), strongly supports a belt option:

"State legislation should permit children over the age of one year to use lap belts in the rear seat if no child restraint is available. There is, however, no suitable alternative to a child restraint for an infant.

The primary objective, of course, is to prevent ejection. National Crash Severity Study (NCSS) data indicate that a fatality is over 50 times more likely to occur if an occupant is ejected than if s/he is not."

There are a number of reasons use of standard seat belts should be permitted as an alternative to special child restraints once the child can sit up unaided:

1) It can by no means be taken for granted that all parents will obey the law. Even in Tennessee, three years after the law went into effect, the compliance rate is only 30 per cent (9). Although this figure represents a highly significant increase of 200 per cent over pre-law days, 70 per cent of Tennessee's small children continue to ride unprotected.

2) All too often children's restraining devices are used improperly. Depending on the manner of misuse, the device will offer reduced protection or possibly none at all.

The misuse rate can be as high as 75 per cent (7), and has been shown to exist even among highly motivated parents (18).

3) Many low-income families and even families in comfortable circumstances, but living in cities, may not own cars. On the few occasions a car is being used, it would certainly be more likely that the child would be buckled into a belt (providing the law permitted this) than that the parent spend in excess of \$40 for a device that will be used only occasionally.

4) Most importantly, the public should not be given the impression that the use of special car seats is unrelated to the function performed by safety belts. Yet this is what publicity for child restraint use is, unfortunately, accomplishing: Once special restraints are no longer used, children can be found riding loose. In fact, often one car will contain a number of children of whom only the little ones are riding protected. Observational studies confirm that restraint use drops sharply after one year of age (7).

Based on many years of experience in promoting child restraint use, PAS does not believe that allowing the use of lap belts would discourage parents from purchasing and using safety seats. These seats are popular because they raise the child up to window height, an important factor in child contentment. Small children sitting on the seat of the vehicle cannot see out.

It is expected, however, that by allowing lap belts an alternative to child restraints, the overall number of children riding protected would increase. Furthermore, such a belt option could well result in belt use by older children not covered by the law.

Are Not Belts Dangerous for Small Children?

Belts can cause injuries both in children and adults, but this occurs only in very severe crashes. Whenever such injuries are reported, it is stressed that unbelted, serious or fatal injuries would have occurred instead (18). It has also been shown that incorrect wearing of belts can be responsible for injuries (19).

Children who are unrestrained almost invariably sustain head injuries which can be fatal or leave them with irreversible brain damage, whereas a fractured pelvis will heal. Spinal injuries are extremely rare.

Belts may be safer even than improperly used child restraints. For example, seats requiring a top anchor strap are often used with the strap left unsecured (20). In 30 m.p.h. sled tests recently conducted at the University of Michigan Highway Safety Research Institute, employing a dummy simulating the physical characteristics of the average three-year-old child, the head excursion in seats that were not tethered was about *four inches greater* than for the lap-belted dummy. (Findings to be published.)

What is the Reason Seats Are Misused or Not Used at All?

Car "safety" seats have been in use for some 50 years, serving an important if limited safety function (12). Unfortunately, too many parents continue to view these seats as merely a means of confining and supporting the child and providing elevation for a better view out of windows. Once the child needs neither the confinement nor the elevation, these seats are often no longer used.

There is nothing magical about safety restraints. They alone cannot protect the child; parents and guardians have to do their part.

Should Adults Be Permitted to Hold Children on Their Laps?

This practice, which was originally permitted in Tennessee, is far more dangerous than allowing children to ride loose. The weight of the adult, greatly increased by collision forces, would crush the child against the dashboard, windshield or other internal structures (Appendix III). Even if the adult is riding belted, the child would be torn from his/her arms by collision forces (21).

Who Should Be Responsible for the Protection of Children?

The operator of the car in which the children are traveling should be made responsible for their safety. Responsibility should not be limited to parents and legal guardians. Doing so would result in large numbers of children being placed into unnecessary jeopardy while being transported by grandparents and babysitters, or participating in car pools.

What Can Be Done if the Number of Children Exceeds the Number of Belts Available?

This problem can only be solved by making an exemption for such contingencies. Doing so would, however, defeat the whole purpose of the law: Large numbers of children could continue "legally" to be piled into one car or the cargo area of a station wagon.

An exemption should therefore be made only where the number of children in *one family* exceeds the number of belts available.

Should Children Be Required to Ride in the Back Seat?

For an extra margin of protection, the law should specify that lap-belted children, as opposed to those secured in child restraints, ride in the back seat. This is required in some states. (Appendix I).

What Should the Law Specify Concerning Federal Standards?

The law should require that devices used be in compliance with the federal standard applicable at the time of manufacture. This would rule out the use of travel beds, porta cribs, and household feeder and booster chairs which offer no protection at all.

It is not recommended that use be limited to devices manufactured after January 1, 1981, when a revised federal standard went into effect (22). This standard calls for *dynamic* testing of devices as opposed to the *static* tests mandated in 1971. (Static tests were shown not to replicate the violent forces generated in a real-life collision.)

The number of poorly constructed seats, i.e., those only in compliance with the 1971 test requirements still in use is estimated to be relatively small. The majority of manufacturers have produced crash-tested seats for several years now, although not required by law to do so. Forcing parents who already own a crash-tested seat to purchase a new one could be viewed as punitive.

How Can The Law Be Enforced?

Enforcement is, of course, a difficult matter, and entirely up to law enforcement authorities who may not view this as a top priority.

In Tennessee and several other states (Appendix II) the law permits fines to be waived if a parent appears in court with proof that a child restraint has been obtained. If belt use is permitted as an alternative, this course of action would make little sense, and a fine would, presumably, have to be levied.

Should the Law Address Misuse of Devices?

The law should require that seats be used "strictly according to manufacturers' instructions." Misuse observed can involve one or all three of the following which can reduce or even entirely defeat the protective potential of these seats:

- a) Device not anchored to the seat of the vehicle;
- b) Child not secured within the seat;
- c) Top anchor strap not used with seats that rely on this additional support for crash performance.

What Are the Basic Components of a Child Passenger Protection Law?

1) Age

- a. All minors, or
- b. Up to 13th birthday when youngsters are still largely under parental control, or
- c. Preschoolers (up to 4th or 5th birthday).

2) Type of Restraint

- a. Special child restraint (infant carrier) up to age one or until child can sit up unaided, with standard safety belts permitted from age one up.
- b. Special child restraint up to 4th birthday, or when child's weight exceeds 40 pounds or height exceeds 40 inches.

3) Person Responsible for Child's Protection

The operator of the vehicle in which the child is riding.

4) Exemptions

Only if the number of children in one family exceeds number of belts available.

5) Federal Standard

Devices should be in compliance with the federal standard applicable at time of manufacture.

6) Correct Use

Devices must be used strictly according to manufacturers' instructions.

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Physicians for Automotive Safety
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Physicians for Automotive Safety
14 Rye Ridge Plaza, Port Chester, NY 10573

FACTS ABOUT SEATBELT LAWS

- o 30 Countries in world have laws requiring use of safety belts. Australia was first country to enact law in 1971. Great Britain most recent to enact in 1983.
- o New York State just enacted a law, to become effective 12/1/84, with warnings issued for one month, then \$50 fines after 1/1/85, plus a public education program.
- o In California, SB-1924 by Senator Paul Carpenter (D), Orange Co., died in Senate Transportation Committee on April 10, 1984. It will be reintroduced next year (1985 session) possibly with Senator Art Torres (D) Los Angeles as co-sponsor. Senate Transportation Comt. Chairman is John Foran (D), S.F.
- o Three major studies have been done on the effect of seatbelt laws in 30 countries that have them. Two by NHTSA (1979 and 1980) and one by the American Seat Belt Council (1981.)
- o The findings were consistent: In countries with seatbelt laws, seatbelt use increased from the 10-40 per cent range before the law, to the 60-90 per cent range after the law, depending on level of enforcement. Deaths and injuries to motor vehicle occupants were reduced by 15-30 per cent.
- o Great Britain (England, Scotland, Wales and Northern Ireland) is the latest, and perhaps best, example. The Transport Secretary reports that seatbelt use in 1983 (first year of law) increased to 95 per cent; and deaths and injuries were reduced 23 per cent.
- o Are they constitutional? Yes. DOT Chief Counsel and various State Attorney Generals have issued opinions that seatbelt laws are indeed constitutional. The U.S. Supreme Court has upheld the constitutionality of motorcycle helmet laws, and no one has even challenged the constitutionality of child restraint laws. Unlike these two types of laws, seatbelt laws do not require the motorist to buy anything. It costs nothing to comply, the belts are already there in all cars made since 1966. The legal "track record" is generally, that driving is not a "right" but a privilege granted and licensed by the State to drive on the public highways. Protecting public health and safety is one of the primary reasons for the existence of government in the first place (or "domestic peace and tranquility" if you will.) Since traffic accidents kill more citizens than murders, there is little doubt the government has the right to regulate behavior on the highways. Motorists are already required to wear shoes, not wear headphones, and not drink alcohol when driving.
- o Experience in other countries, or with child restraint laws in the U.S., indicates no "backlash" or public outcry against seatbelt laws. The great majority of motorists have begun to comply, within a year or two, and most within a month or so form the safety belt "habit" and no longer think twice about buckling belt when they start the car.
- o The highest seatbelt use rates ever obtained by education alone, anywhere in the world, without a law, have been 40 per cent (Sweden and Britain, for example, who then went on to pass laws and boost usage to the 80-95 per cent range.)

TESTIMONY IN SUPPORT OF BILL 50

As a parent, concerned with the safety and well-being of children, I appreciate this opportunity to express my views regarding Bill 50 - an Act introduced by Senator Elizabeth Arriola to require children under the age of five to be secured by child restraint systems while being transported in a vehicle.

We know that seat belts protect adult lives, but how many of us "buckle up?" That's a conscious choice we as adults make. But small children don't have a choice concerning their safety.

I'm sure many of us can cite accidents involving children on Guam . . . like the time a child was thrown from the back of a pick-up truck and died; or when a girl in Malojojo fell off a pick-up truck and was severely hurt and no one noticed.

How many of us in this room see daily, adults holding small children on their laps in moving vehicles, or adults driving and holding an infant or young child? Just yesterday, I witnessed a pick-up truck being driven out of the Ben Franklin's Department Store parking lot with a boy in the back who couldn't have been more than five years old. Five years ago, a girl fell out of a pick-up truck in front of me going up the hill from NCS beach. The adults in the truck didn't realize what had happened until I sounded my car horn. Fortunately, the girl wasn't seriously hurt.

I believe we all mean well and we don't want our children to be hurt. But they are being hurt by our resistance to take immediate action to ensure their safety in moving vehicles. If it takes a law so that we buckle up our children to protect them, then I believe that's what we should do.

I support the intent of Bill 50. If even one child's life is saved, the law will be worth it.

*Barbara Benavente
Dededo*

Attachment (3)

Good Morning:

I am TERESITA B. SANTOS, Acting Highway Safety Coordinator of the Office of Highway Safety, Department of Public Works.

For the Record, on behalf of my office and the Director's Office of the Department of Public Works, we support the passage and enactment of Bill No. 50.

In fact our 1985 Guam Highway Safety Plan specifically mandate as one of its objectives a Child Passenger Restraint Program.

We all know that many people would be alive today if only they were wearing their seat belts. Unfortunately, many people ignore safety in a moving motor vehicle, not only for adults, but especially for little children, and babies, inspite of the fact, that driving on the highway is risky, dangerous, and not just a convenience. Greater emphasis must be placed on the importance of child restraint usage. Bill No. 50 is our hope. Efforts have been initiated in reducing deaths and injuries attributed to traffic accidents through public information and education. However, we know that we need a law that is enforceable.

In its entirety, Bill No. 50 meets with our approval. However, we would like to offer a suggestion to amend the bill. As we all know, many of our families cannot afford to pay a fine of \$500.00. We suggest that the fine be limited to \$25.00 similar to the maximum amount levied by numerous jurisdictions in the Continental United States.

The Office of Highway Safety will purchase 200 federally approved child restraint seats to initiate a child passenger restraint program for the economically disadvantaged families. The Guahan Jaycees will operate this program.

Furthermore, 48 States and the District of Columbia have enacted a Child Restraint Law. We would like to see our island have one and request this Committee and the Eighteenth Guam Legislature to pass Bill No. 50. Please pass it as an act of love.

Thank you very much.

Attachment (4)

Good Morning:

I am GLORIA CARANDANG from the Office of Highway Safety.

I come before this committee this morning to testify in favor of Bill No. 50.

Our island has seen many deaths due to auto accidents. Statistics will show that may if not all of these deaths could have been prevented if the passenger only used a restraint - the SEAT BELT.

Perhaps, maybe Bill No. 50 should also go as far as mandating that adults WEAR SEAT BELTS that are already provided in the vehicles. Certainly, we at OHS will support this.

Children need to be protected in vehicles. It is unfortunate that we need a law to require us to protect our children in our cars but record will show that 48 states have already enacted a similar law as proposed in Bill No. 50.

As an added comment, I would like to add that all funds at the OFFICE OF HIGHWAY SAFETY are federal. We have been mandated to initiate a child restraint program as part of our Highway Safety Plan. We have done this, however, to continue to receive federal funding for a child restraint program, we need the effect and force of law.

Therefore, we favor the passage of Bill No. 50 with minor admendments, perhaps reducing the amount of fine to be levied against those found in violation.

If you are interested in reveiewing our 1985 Highway Safety Plan, we would be more than happy to provide you with copies.

Thank you very much for your time and attention.

Attachment (5)

Territory of Guam
Office of the Director
Department of Public Safety
Pedro's Plaza
287 West C. Bruen Drive
Agana, Guam 96910
Tel. 472-5911

Dr. Judith Baschette Buisson
Director

25 FEB 1985

Senator F.R. Santos
Chairman, Committee on Federal,
Foreign and Legal Affairs
Eighteenth Guam Legislature
P.O. Box CB-1
Agana, Guam 96910

Dear Mr. Chairman:

The Department of Public Safety opposes the passage of Bill No. ¹⁵~~50~~,
an act to amend provisions of law to prohibit persons under the age
of 21 years to purchase any alcoholic beverages.

Statistics at DPS do not support the presumption that individuals
within the ages of 18 and 20 are primarily responsible for the high
occurrence of alcohol related incidences on our island.

Secondly, the passage of Bill No. 15 will be discriminatory against
individuals who are 18 years of age but under 21 who are by statute
adults.

It is the Department's position that in order to effectively combat the
high occurrences of alcohol related incidents, passage of Bill No. 15
is not the appropriate approach. We should instead coordinate our
efforts to enhance an effective program within our educational system,
aggressively pursue and enforce alcohol related violations, and push
for more stringent penalties for those who are found guilty of said
violations.

The Department on the other hand supports the passage of Bill No. 50,
an act to require children under the age of five being transported in
cars, vans or pickup to be secured by child restraint systems or seat
belts, or harnesses.

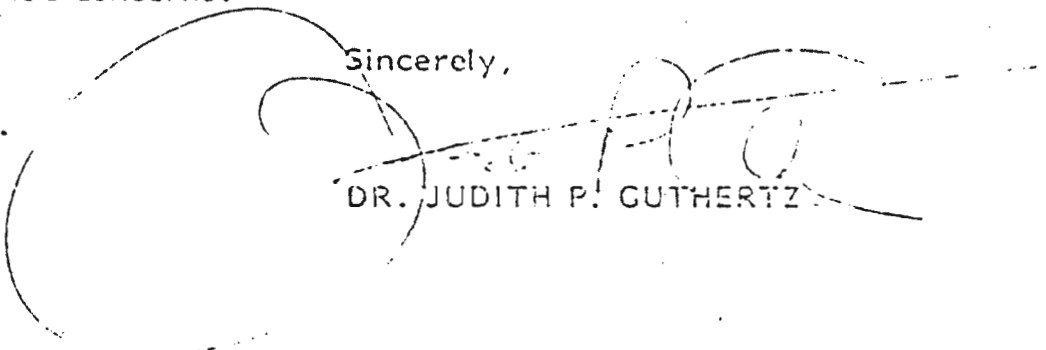
Attachment (6)

Senator Santos
Page 2

The passage of Bill No. 50 would assure that children under the age of five will be properly secured in vehicles to prevent the possibility of injuries or minimize the seriousness of injuries sustained in vehicular collisions and traffic related accidents.

Bill No. 50 deals with the safety of our young which is one of our Department's concerns.

Sincerely,



DR. JUDITH P. GUTHERTZ

The Governor Of Illinois To Members Of The Illinois House Of Representatives

We have talked to a lot of people about state level seat belt use laws. We are struck by how many legislators and their aides seem less concerned about the safety of their constituents than about formulating legislation that they believe "will not let the automobile industry off the hook."

A lot of people really do not know the facts. A lot of people see seat belt use laws as infringements of freedom of choice, but it has never occurred to them that mandatory passive restraints are also an infringement of freedom of choice, and a more costly one, at that.

We think the Governor of Illinois set the issue straight in his letter to the Illinois House of Representatives...


"To The Honorable Members House of Representatives 83rd General Assembly

"The issue before me is whether to sign H.B. 2800 — the mandatory seat belt bill passed by the General Assembly in December of 1984, with an effective date of July 1, 1985. I believe that I should.

"Only two other states of the union — New York and New Jersey — have a similar law, though a dozen others will debate such a bill in the legislative session of 1985. Abroad, 34 other countries require that drivers and passengers be buckled up while on the road. The real issue before me, however, is what the public policy of Illinois should be, for I am responsible to the eleven and one-half million people of this state.

"Much controversy, debate and speculation has centered around the issue of whether this bill is "acceptable" to the United States Department of Transportation so that it may be "counted" under the current regulatory scheme which would free car manufacturers from the requirement of installing passive restraint systems if two-thirds of the states pass "appropriate" mandatory seat belt legislation by 1989. It is said that car manufacturers wish to avoid the cost of "air bags" or other passive restraint systems though that cost would certainly be passed on to purchasers.

"Some who have analyzed this bill have concluded that it will not "count" under the two-thirds rule since it exempts some persons from its application for other than medical reasons, and it forbids the use in evidence of non-compliance with the law in any suit for damages arising out of an accident. Unlike related issues of the 55 m.p.h. speed limit, the 21-year-old drinking age and the auto



STATE OF ILLINOIS
OFFICE OF THE GOVERNOR
SPRINGFIELD 62706

HB2800		LRB8308986SFsb
1	AN ACT to add Section 12-603.1 to "The Illinois Vehicle	50
2	Code," approved September 29, 1969, as amended.	52
3	<u>Be it enacted by the People of the State of Illinois,</u>	56
4	<u>represented in the General Assembly:</u>	
5	Section 1. Section 12-603.1 is added to "The Illinois	58
6	Vehicle Code", approved September 29, 1969, as amended, the	59
7	added Section to read as follows:	
8	(Ch. 95 1/2, new par. 12-603.1)	61
9	<u>Sec. 12-603.1. Driver and passenger required to use</u>	63
10	<u>safety belts, exceptions and penalty.</u>	64
11	<u>(a) Each driver and front seat passenger of a motor</u>	65
12	<u>vehicle operated on a street or highway in this State shall</u>	67
13	<u>wear a properly adjusted and fastened seat safety belts;</u>	68
14	<u>except that, a child less than 6 years of age shall be</u>	69
15	<u>protected as required pursuant to the Child Passenger</u>	
16	<u>Protection Act. Each driver of a motor vehicle transporting</u>	70
17	<u>a child 6 years of age or more, but less than 16 years of</u>	71
18	<u>age, in the front seat of the motor vehicle shall secure the</u>	72
19	<u>child in a properly adjusted and fastened seat safety belt.</u>	
20	<u>(b) Paragraph (a) shall not apply to any of the</u>	74
21	<u>following:</u>	
22	<u>1. A driver or passenger frequently stopping and leaving</u>	76
23	<u>the vehicle or delivering property from the vehicle, if the</u>	77
24	<u>speed of the vehicle between stops does not exceed 15 miles</u>	78
25	<u>per hour.</u>	
26	<u>2. A driver or passenger possessing a written statement</u>	80
27	<u>from a physician that such person is unable, for medical or</u>	82
	<u>physical reasons, to wear a seat safety belt.</u>	

emission standards, enactment of the law is not federally mandated to avoid loss of federal highway funds.

"To me, the issue of whether and for what reasons, the auto manufacturers and the United States Department of Transportation want the bill signed are irrelevant. By 1989, under current federal rule, 40 per cent of the fleet must be manufactured with passive restraint systems regardless of what the states do. Secretary Dole has not concluded that H.B. 2800 does, or does not, comply with her current regulations. There is no way to tell what the attitude of the Secretary of USDOT will be in 1989, what the regulations will say by 1989, what federal law will require by 1989, or whether, in fact, the "two-thirds" regulation of Secretary Dole is within her powers to promulgate.

"The bottom line for me is whether this bill will promote the health and safety of the people of Illinois and do so in a reasonable and constitutional manner.

"In all the controversy surrounding this bill in Illinois — and there is and will be plenty — those who support it, and even many who fiercely oppose it, agree that it will promote the greater use of seat belts. They also agree that the greater use of seat belts will save lives, reduce injuries and save millions of dollars in insurance and health care costs now paid by Illinois motorists and taxpayers. IDOT Secretary Greg Baise tells me that based upon experience with seat belt laws in other jurisdictions, signing this bill will save more than 300 lives in Illinois in the first year, will avoid nearly 43,000 injuries and save more than \$400 million in costs. Actual experience in Illinois with the

child restraint law which I signed several years ago has shown more than a 50 per cent reduction in fatalities and a 12 per cent reduction in injuries despite an increase in total passenger injuries. Laws regulating the conduct of our people have been enacted and sustained for reasons far less important than these.

"Moreover, the American public, willingly or not, has already invested more than \$14 billion in seat belts since they were required to be installed in 1965 and they are available now. And for those in the insurance industry who have asked me not to sign this bill in the hope that mandatory passive restraint (or "air bag") systems will be installed on all cars by 1989, it is enough to say that most experts believe that air bag systems are not fully effective in head-on collisions unless passengers are also using seat belts.

28	<u>3. A driver or passenger possessing an official</u>	84
29	<u>certificate or license endorsement issued by the appropriate</u>	86
30	<u>agency in another state or country indicating that the driver</u>	87
31	<u>is unable for medical, physical, or other valid reasons to</u>	88
32	<u>wear a seat safety belt.</u>	

HB2800 Enrolled	LRB8308986SFsb	
1	<u>4. A driver operating a motor vehicle in reverse.</u>	90
2	<u>5. A motor vehicle with a model year prior to 1965.</u>	92
3	<u>6. A motorcycle or motor driven cycle.</u>	94
4	<u>7. A motorized pedalcycle.</u>	96
5	<u>8. A motor vehicle which is not required to be equipped</u>	98
6	<u>with seat safety belts under federal law.</u>	99
7	<u>9. A motor vehicle operated by a rural letter carrier of</u>	101
8	<u>the United States postal service while performing duties as a</u>	102
9	<u>rural letter carrier.</u>	
10	<u>(c) Failure to wear a seat safety belt in violation of</u>	104
11	<u>this Section shall not be considered evidence of negligence,</u>	105
12	<u>shall not limit the liability of an insurer, and shall not</u>	106
13	<u>diminish any recovery for damages arising out of the</u>	107
14	<u>ownership, maintenance, or operation of a motor vehicle.</u>	
15	<u>(d) A violation of this Section shall be a petty offense</u>	109
16	<u>and subject to a fine not to exceed \$25.</u>	110
17		114
18	Speaker, House of Representatives	115
19		117
20	President of the Senate	118

APPROVED

this 8th day of January, 1985 A.D.

GOVERNOR

government "off their backs." it may seem strange to impose it next around their waists! But surely there is a difference between laws and regulations which are arbitrary, capricious, unnecessary or useless and those which undeniably save lives, injuries and costs.

"The "intrusion" argument is deep, personal and understandable and I have carefully weighed this bill in the light of it. Smoking cigarettes clearly causes deaths and injuries and yet it is not illegal. The abuse of alcoholic beverages can bring similar loss and yet no law forbids it. Courts, legislatures and our people would not continually struggle with the so-called "right to die" or "death with dignity" issue for the terminally ill unless there were strong societal feelings about individual choice, even involving the ultimate right to live.

"But that is not the issue. The failure of drivers and passengers to wear seat belts while operating a motor vehicle is clearly a danger to others lawfully driving on the highways, or walking or crossing the streets of Illinois. Laws already on the books regulate the design of, or conduct in, a motor vehicle in dozens of ways ranging from the requirement of lights and other safety devices which may intrude upon car design, to driving at required speeds, though higher speeds may be "safe," to prohibiting the transportation of open liquor and obstructing a rear view by putting packages on the window ledge of a back seat. And some who most vociferously oppose this seat belt law say nothing — indeed think nothing of it — when required by federal law to "buckle up" during take offs, landings or periods of turbulence, as airline passengers.

"The bottom line is that we are in truth arguing for the right to be foolish, even to the point of risking our own lives. And in truth, in many ways we do have the "right" to be "foolish," a right which all of us exercise from time to time. Government cannot, and should not, govern every aspect of what we do as people. But driving an automobile is a "privilege," not a "right," and the legislature may condition it with reasonable precautions for the safety of human lives. And for the reasons discussed above, unbelted persons present more than a danger to themselves — they clearly threaten the lives and safety of others.

"I think this is a reasonable, though not a perfect, bill. The lives of more than 43,000 Illinoisans are important to me and should be important to all of us. And society can ill afford — as consumers or taxpayers — the ever increasing costs of accidents, deaths, and injuries that could be avoided. Some would say that this law is "unenforceable" and that may be true in the traditional sense in which police enforce motor vehicle laws relating to overt or obvious violations. But a law which experience tells us will increase seat belt usage — and therefore decrease death, injury and costs — need not be enforced in traditional ways to be effective. The success and acceptance of the child restraint laws tells us that. In essence, the law is designed to educate and is thus self-enforcing.

"For the sake of ourselves, our families and our fellow citizens, the time has come in Illinois to "buckle up."

Sincerely,

James R. Thompson
GOVERNOR

"It is also argued that this bill has reversed the rule of comparative negligence for the non-use of belts, the exemptions from use are too broad, and is unclear whether violation of the law is a "moving offense" and therefore grounds for suspension or revocation of driver's license. But if all laws were required to be perfect to be signed, few could be signed. The issue is whether the bill will, in a reasonable and constitutional manner, save lives and prevent injuries — not whether the law could be clearer or more encompassing. That is for the courts and future General Assemblies decide, and is not a reason not to sign the bill in front of me.

"Questions have been raised about the constitutionality of H.B. 2800 in light of the decision of the Supreme Court of

Illinois in *People v. Fries*, 42 Ill. 2d 446 (1969), which held unconstitutional a law requiring motorcycle riders to wear a helmet. The Court reasoned that while the General Assembly could act to protect the public at large by requiring measures to protect a driver's vision, it was obvious that the helmet law was designed to protect the "personal safety" of riders and was therefore unconstitutional.

"I think *Fries* was wrongly decided and I do not know whether the Court in 1985 would reach the same result. I believe, however, that H.B. 2800 substantially promotes the safety of the public at large and is therefore constitutional. Unbelted passengers in a motor vehicle literally become human projectiles in the event of a crash. Unbelted passengers can interfere with the ability of an operator to respond to the collision, and unbelted

drivers may lose control of a vehicle and thus cause death and injury to others, including those not involved in an initial collision. Apart from the obvious interests of society at large in avoiding more than 300 deaths, 43,000 injuries and nearly half a billion dollars in costs each year, the regulation of unbelted auto drivers and passengers is, for the reasons indicated, clearly different from the regulation struck down in *Fries*, and I have no doubt that this bill is constitutional.

"This brings me to the last point. Many people in this state have objected — or will — to being told by the government to buckle up. Some argue that the use of seat belts is a "nuisance" or an "inconvenience," and others argue passionately that the bill is "government intrusion" into their personal lives. Since politicians regularly promise people to get

EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) Regular Session

Bill No. SD (LS)

Introduced by:

E. P. Arriola *EPA*

AN ACT TO REQUIRE CHILDREN UNDER THE AGE OF FIVE
BEING TRANSPORTED IN CARS, VANS OR PICKUP TRUCKS
TO BE SECURED BY CHILD RESTRAINT SYSTEMS OR SEAT
BELTS, OR HARNESES.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. A new Chapter XI of Title XXIV of the Government Code is enacted to read:

CHAPTER XI

CHILD RESTRAINT DEVICES

Section 23570. A child under two years of age who is being transported in a car, van or pickup truck shall be secured during transit by a child restraint system which meets federal motor vehicle safety standards and the system shall be used in accordance with the manufacturer's instructions.

Section 23571. A child at least two years of age but under five years of age who is being transported in a car, van or pickup truck shall be secured during transit by either a child restraint system that meets federal motor vehicle safety standards and used in accordance with the manufacturer's instructions or by approved safety belts or safety harnesses.

Section 23572. Any operator of a car, van or pickup truck who violates Sections 23570 or 23571 is guilty of a misdemeanor and subject to the penalty provisions of Section 23574.

Section 23573. A person who is first charged with a violation of Sections 23570 or 23571 shall not be convicted if the person produces in Court, with a reasonable time, proof that the person has purchased or otherwise acquired a child restraint system which meets federal motor vehicle safety standards. The provision of this section shall not be available to a person except for a first charge.

Section 23574. An operator convicted for failing to secure a child with a child restraint system, safety belt, or harness in violation of Section 23570 or 23571 shall be fined no more than Five Hundred Dollars (\$500.00).

Section 2. Sections 23570 through 23574 shall take effect one (1) year from the passage of this Act to give retailers time to stock sufficient child restraint systems which meet federal motor vehicle safety standards to meet the demands of Guam's consumers.