

**CONSENT CALENDAR**

**February 21, 2023**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Transportation to which was referred HB 386-FN,**

**AN ACT relative to child passenger restraints. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.**

**Rep. Ted Gorski**

**FOR THE COMMITTEE**

## **COMMITTEE REPORT**

Committee:	<b>Transportation</b>
Bill Number:	<b>HB 386-FN</b>
Title:	<b>relative to child passenger restraints.</b>
Date:	<b>February 21, 2023</b>
Consent Calendar:	<b>CONSENT</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

### **STATEMENT OF INTENT**

This bill would change the restraint system age requirement from 7 to 4 years. In testimony, experts testified that age is not efficient; it should be based on the size of the child. As a result, the committee felt that the bill should be voted inexpedient to legislate.

Vote 19-1.

Rep. Ted Gorski  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Transportation

**HB 386-FN**, relative to child passenger restraints. **INEXPEDIENT TO LEGISLATE.**

Rep. Ted Gorski for Transportation. This bill would change the restraint system age requirement from 7 to 4 years. In testimony, experts testified that age is not efficient; it should be based on the size of the child. As a result, the committee felt that the bill should be voted inexpedient to legislate.

**Vote 19-1.**

Original: House Clerk

Cc: Committee Bill File

**HOUSE COMMITTEE ON TRANSPORTATION**

**EXECUTIVE SESSION on HB 386-FN**

**BILL TITLE:** relative to child passenger restraints.

**DATE:** February 21, 2023

**LOB ROOM:** 203

**MOTIONS: INEXPEDIENT TO LEGISLATE**

Moved by Rep. Hill

Seconded by Rep. Rombeau

Vote: 20-0

**CONSENT CALENDAR: YES**

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep Karel Crawford, Clerk

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on Bill # HB 386-FN

BILL TITLE: ... relative to child passenger restraints

DATE: 2/21/23

LOB ROOM: 201-203

MOTION: (Please check one box)

- OTP
- <sup>Hi!!</sup>ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_
- Interim Study (2nd year) (if offered)

Moved by Rep. Crawford Seconded by Rep. Rombauer Vote: 20-0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_
- Interim Study (2nd year) (if offered)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_
- Interim Study (2nd year) (if offered)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_
- Interim Study (2nd year) (if offered)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

CONSENT CALENDAR:  YES  NO

Minority Report?  Yes  No If yes, author, Rep: \_\_\_\_\_ Motion \_\_\_\_\_

Respectfully submitted: Karel Crawford  
Rep. Karel Crawford, Clerk



STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/6/2023 12:39:16 PM  
Roll Call Committee Registers  
Report

2023 SESSION

Transportation

Bill #: 386 Motion: ITL AM #: \_\_\_\_\_ Exec Session Date: 2/21/23

Members	YEAS	Nays	NV
Walsh, Thomas C. Chairman <i>MOFFETT</i>	✓		
Gorski, Ted Vice Chairman	✓		
Smith, Steven D.	✓		
Crawford, Karel A. Clerk	✓		
Hill, Gregory G.	✓		
Dumais, Russell	✓		
O'Hara, Travis J. <i>Rep. Boyd</i>	✓		
Foote, Charles H <i>Rep. Wallace</i>	✓		
See, Alvin B	✓		
Sellers, John	✓		
Sykes, George E.	✓		
Rich, Cecilia	✓		
St. Clair, Charlie G.	✓		
Fox, Dru	✓		
Rombeau, Catherine	✓		
Veilleux, Daniel T.	✓		
Coker, Matthew	✓		
Jones, Phillip M <i>Rep. Harrison</i>	✓		
Rich, Jeffrey	✓		
Staub, Kathy	✓		
<b>TOTAL VOTE:</b>	<b>20</b>	<b>0</b>	

HOUSE COMMITTEE ON TRANSPORTATION

PUBLIC HEARING ON

**BILL TITLE: HB – 386 – FN relative to child passenger restraints**

**DATE: 2/7/23**

**LOB ROOM: 201-203**

**Time Public Hearing Called to Order: 11:25 am**

**Time Adjourned: 11:50am**

**Committee Members: Rep. Walsh, Gorski, Crawford, Smith, Hill, Dumais, O'Hara, Foote, See, Sellers, Sykes, C.Rich, St.Clair, Fox, Rombeau, Veilleux, Coker, Jones, J.Rich, Staub**

**Bill Sponsors: Rep. Corcoran**

**TESTIMONY**

- Use asterisk if written testimony and/or amendments are submitted.

**Rep. Hill - Introduce the bill**

Lowers the age, which a child passenger must be restrained by a child restraint system from 7-4.

**\*Thomas Leach – Dartmouth Health – Opposed**

\*written testimony from Stacia Ghafoori Dartmouth Health Children– 258 certified technician to train the fire, police, etc work out of stations to direct car givers and parents so they may ask questions and inspection of their car seats. Car seats can be complicated and we make sure they are safe and fatalities are way down. Injuries car way down.

Q: Rep. Gorski – Do we have a data system?

A: Not a very good one, 5 year old have the most injuries. Will send the data from the DMV.

Q: Rep. Hill – You're against this bill would it be more appreciate to list height and weight instead of ages?

A: Ages are used more for law enforcement, and it is easier for them to identify the child's age, police use it as an educational experience.

Q: Rep. Hill – would you be able to provide us with the cut outs for weight and heights?

A: Current law up to age of 7 and 57 inches would stay the same and would be able to go into a booster seat.

Q: Rep. Sykes – Is it not true that seat belts today are put in cars for adults

A: Yes

Q: Rep. Sellers- Are you saying parents are not doing a good job because they want to drop the age?

A: They are going a good job – some parents are more prepared then others.

Q: Rep. Veilleux – Would this send a message to parent that they would not have to use a car seat? A: Yes

**Dan Goodman – AAA - Opposed**

Here to answer the questions there are many misuses of car seats, the children are in the wrong seat. NH would be the first to lower the age for car seats. Children in a rear facing seat are 45% safer in the seat.

Respectfully submitted,

Rep. Karel Crawford, Clerk





# House Remote Testify

## Transportation Committee Testify List for Bill HB386 on 2023-02-07

Support: 1 Oppose: 5 Neutral: 0 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Anastasia, Patricia	Londonderry, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/5/2023 8:15 PM
Holstein, Susanne	Bedford, NH srholstein@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/6/2023 10:07 AM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No	2/6/2023 11:14 AM
Gill, Tara	Washington, DC tgill@saferoads.org	A Lobbyist	Advocates For Highway and Auto Safety	Oppose	No	No	2/6/2023 12:00 PM
Telerski, Laura	Nashua, NH Laura.Telerski@Leg.State.NH.US	An Elected Official	Myself	Oppose	No	No	2/6/2023 5:10 PM
Paschell, Susan	Bow, NH spaschell@dupontgroup.com	A Member of the Public	Myself	Oppose	No	No	2/7/2023 12:57 PM



ADVOCATES  
FOR HIGHWAY  
& AUTO SAFETY



SAFE  
KIDS  
WORLDWIDE

February 6, 2023

The Honorable Thomas Walsh, Chair  
The Honorable Ted Gorski, Vice Chair  
House Transportation Committee  
New Hampshire General Court  
107 North Main Street  
Concord, New Hampshire 03301

Dear Chair Walsh and Vice Chair Gorski:

As leading safety organizations working together to pass highway and auto safety laws that prevent crashes, deaths and injuries and contain costs, we urge you to oppose House Bill (HB) 386 to weaken New Hampshire's child occupant protection statute. This measure rolls back the requirement for use of a child passenger safety seat from less than seven years of age to less than four years of age. When children are properly restrained in a safety seat that is appropriate for their age and size, their chance of being killed or seriously injured in a car crash is greatly reduced. Undermining the state's current statute for child passenger safety is contrary to this known fact and the measure should not be advanced.

Motor vehicle crashes are among the leading causes of death for children ages one to 14 in the U.S.<sup>i</sup> In 2020, 1,093 children aged 14 and younger were killed, a three percent increase from 2019, representing three children killed each day on average. This included 276 children aged four through seven.<sup>ii</sup> Use of appropriate child passenger safety seats are very effective in preventing injury: 47 percent effective in preventing fatalities for ages 1-3 in all crashes; 43 percent effective in preventing fatalities for ages 3-5 in all crashes; and, 67 percent effective in preventing serious to critical injuries for ages 5-8 in all crashes.

New Hampshire's current child passenger safety law requires children age six and younger and under 57 inches in height to use a child safety seat. Since that law was enacted, new research has been conducted and best practices in child passenger protection have been updated to now call for requirements that take into account stages of physical development from infancy through early childhood. Rather than weaken the state's current law, the state should improve the law to align with the recommendations of child passenger safety experts.

According to the American Academy of Pediatrics (AAP), children younger than two years old are at an elevated risk of head and spine injuries in motor vehicle crashes because their heads are relatively large and their necks smaller with weak musculature. By supporting the entire torso, neck, head and pelvis, a rear facing car seat distributes crash forces over the entire body rather than focusing them only at belt contact points. When a child is placed in a rear facing car seat through age two or older, they are provided with optimal support for their head and neck in the event of a crash.

After a child reaches age two and the maximum height and weight limit for their rear facing safety seat, they may be turned forward facing in a harness-equipped child restraint. Children should remain in a

forward facing harness and tether seat until they meet the height and weight limit of the restraint. Children who have outgrown the forward facing restraint may be placed in a booster seat, where they should remain until they can be properly restrained by a seat belt, at minimum age eight and 57 inches in height. Children should then remain in a rear seat, properly restrained by a seat belt until age 13. Requiring seat belt use by all vehicle occupants is a time tested, research-based countermeasure that the state should also advance to protect adolescent and adult vehicle occupants.

In the first nine months of 2022, the National Highway Traffic Safety Administration (NHTSA) reports that traffic fatalities in New Hampshire spiked more than 18 percent over the same period in 2021; 109 people were killed. We urge you to oppose HB 386 and also take action to improve the safety of vehicle occupants on state roads, especially vulnerable child passengers.

Sincerely,

Cathy Chase  
President  
Advocates for Highway and Auto Safety

Janette Fennell  
Founder & President  
Kids and Car Safety

Torine Creppy  
President  
Safe Kids Worldwide

cc: House Transportation Committee Members

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<sup>i</sup> WISQARS, Leading Causes of Death Reports, 1981-2020, 2020, Top 10 leading causes of death, Ages 1 to 14, <https://wisqars.cdc.gov/fatal-leading>, last queried Nov. 2022.

<sup>ii</sup> Traffic Safety Facts 2020 Data: Children, NHTSA April 2022, DOT HS 813 285, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813285>

Patricia Anastasia



Stacia Ghafoori, RN CPEN, CCRN, CEN, CPN  
Dartmouth Health Children's Department of Pediatric Trauma  
1 Medical Center Drive  
Lebanon, NH 03756  
January 23, 2023

Representatives Corcoran, Hills, et al.  
New Hampshire House of Representatives  
107 N. Main St  
Concord, NH 03301

To Whom It May Concern,

My name is Stacia Ghafoori and I am the Manager of the Pediatric Trauma Program at Dartmouth Health. As you may be aware, we are the only designated Pediatric Trauma Center in the state of New Hampshire, therefore the majority of injured children in the state come to our facility for care. I have just learned about your proposed House Bill 386 and I would be remiss if I did not speak out in vehement protest to even considering relaxing the requirements for child safety restraints in this state. This will not simply go against the recommendations of medical experts but will put our children in this state in grave jeopardy in a very real way.

When reviewing data over the last 5 years for pediatric victims of motor vehicle crashes that have been treated at our facility, it is abundantly clear that proper use of vehicle restraints save lives and prevents serious injury. Using the nationally recognized scoring system of injury severity (ISS), I am able to delineate all of our pediatric patients into mild, moderate, and severe injury categories. There is very clear correlation between patients' severity of injury and passenger restraint use. For those in the mildly injured category (ISS <9), only 8.8% were not properly restrained according to our registry data. For children in the moderately injured category (ISS 9-15), 18.8% were not wearing seatbelts or were not in a proper child restraint system. It should come as no surprise that a whopping 26% of patients severely injured in our facility over the last 5 years from motor vehicle crashes (ISS 16+), were not properly restrained. These are the patients at highest risk of death, and sadly we have seen that occur all too often. Notably, those are the patients that even make it to our doors for care. Just recently, in what was a public story, a child was cared for and released from our facility with only minor injuries. That child was wearing their seatbelt. Their sibling whom was close in age, who was sitting next to them in the same vehicle, passed away at the scene. It is highly likely that proper vehicle restraint would have saved their life as well.

The American Academy of Pediatrics notes that motor vehicle crashes are the leading cause of death for children ages 4 and older. Based on an abundance of evidence and a multitude of experts, they recommend rear facing in a child safety seat until 2 years and 40 lbs, forward facing child safety seats with a 5-point harness until at least 4 years of age or until the seat is outgrown, belt-positioning booster seats through at least 8 years of age, and regular lap and shoulder seat belts thereafter. Furthermore, they recommend that children do not ride in the front seat until at least the age of 13, a requirement that is notably not enforced in this state as well.

These recommendations are placed for good reason. Our aim is to save that 1-year-old who was facing forward when her mother was rear-ended from a neck injury that leaves her paralyzed. We want to spare the 3-year-old unrestrained child from being ejected from the back seat and onto the road when his dad spun out on the black ice, resulting in life-threatening head injury and fractures. We want to protect the 5-year-old who was only wearing a regular belt from shattering his spleen and perforating his colon when the belt that didn't fit properly put too much pressure on his internal organs after his uncle was T-boned at an intersection. (Real injuries we see every day). These risks are not just numbers. They don't just happen elsewhere. They happen to our children. Our neighbors. Our friends.

The vast majority of states have listened to this expert advice of the AAP, which is based on solid evidence, and require it by law. However, if this bill is to be enacted, NH will only be one of two states (South Dakota being the only other) who does not protect its children over the age of 4 in a vehicle. To me, this is incomprehensible.

Though I may personally disagree, I can respect the state of New Hampshire's "live free or die" mantra when it comes to adults making choices for themselves, weighing their own risks, and accepting their own consequences of their actions. But those same ideals simply cannot apply to our children. They depend on us to keep them safe and free from harm to the best of our ability. With the knowledge of how to do just that right in front of you, why would you instead choose to put them at risk? I fail to recognize any type of rationale for this bill and I implore you to reconsider its passing. Please help us protect the children of this state and require adults to properly restrain them while riding in a motor vehicle.

Sincerely,



Pediatric Trauma Program Manager  
[Stacia.r.ghafouri@hitchcock.org](mailto:Stacia.r.ghafouri@hitchcock.org)

**HB 386-FN - AS INTRODUCED**

2023 SESSION

23-0583

02/08

HOUSE BILL            ***386-FN***

AN ACT                relative to child passenger restraints.

SPONSORS:            Rep. Corcoran, Hills. 44

COMMITTEE:          Transportation

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ANALYSIS

This bill lowers the age which a child passenger must be restrained by a child restraint system from 7 to 4.

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Explanation:        Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~in brackets and struck through.~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Three*

AN ACT                   relative to child passenger restraints.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

- 1           1 Child Passenger Restraints Required.. Amend RSA 265:107-a, I-b to read as follows:
- 2           I-b. No person shall drive a motor vehicle on any way while carrying as a passenger a person
- 3 less than [7] 4 years of age unless such passenger is properly fastened and secured by a child
- 4 restraint system which is in accordance with the safety standards approved by the United States
- 5 Department of Transportation in 49 C.F.R. section 571.213. If the passenger is 57 inches or more in
- 6 height, the provisions of this paragraph shall not apply.
- 7           2 Effective Date. This act shall take effect January 1, 2024.



**HB 386-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to child passenger restraints.

**FISCAL IMPACT:**     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

**METHODOLOGY:**

This bill, beginning January 1, 2024, reduces the age for child safety restraints in a motor vehicle from 7 to 4, to which noncompliance is a violation level offense. There is no method to determine how many charges, if any, would be brought as a result of this bill to determine the fiscal impact on expenditures. The Judicial Branch has indicated the potential cost per case for violation/misdemeanor level offenses would be \$122 in FY 2024 (not including appeals).

**AGENCIES CONTACTED:**

Judicial Branch