

Senate Transportation Committee

Kirsten Koch 271-3266

HB 251-FN, requiring children under the age of 2 years to be restrained in a motor vehicle.

Hearing Date: April 20, 2021

Time Opened: 2:23 p.m.

Time Closed: 3:54 p.m.

Members of the Committee Present: Senators Birdsell, Watters, Ricciardi, Ward and Sherman

Members of the Committee Absent : None

Bill Analysis: This bill requires children under the age of 2 years old to be restrained in a rear facing child restraint in a motor vehicle.

Sponsors:
Rep. Fenton

Who supports the bill: There are 130 names signed in support of this bill. To view the sign in sheet please contact Kirsten Koch at kirsten.koch@leg.state.nh.us

Who opposes the bill: Rep. Aidan Ankarberg, Strafford 10; Rep. Leah Cushman, Hillsborough 2; Rep. Walter Stapleton, Sullivan 5; Rep. Erica Layon, Rockingham 6; Rep. Judy Aron, Sullivan 7; Bill Alleman.

Who is neutral on the bill: None

Summary of Testimony Presented:

Representative Donovan Fenton, Cheshire 8

- Rep. Fenton said, this bill requires children under the age of two to be placed in a rear facing car seat.
- Rep. Fenton said, this saves lives. This allows time for head and neck to develop. In a car accident, a child under two in a forward-facing seat could risk spinal cord rupture, or serious injury.
- Rep. Fenton said, a rear facing car seat is no more expensive than a forward-facing car seat.
- Rep. Fenton said, the manufacturing laws establish that if your child is larger, but still under the age of two, then this bill does not apply.
- Rep. Fenton said, there will be lots of experts speaking at this hearing, please ask them your questions.

- Sen. Ward asked, if you have an infant in a rear facing seat, how are you going to keep an eye on that child? What if they are choking? How can you quite decide if something else is going on?
 - Rep. Fenton said, I have two young children. They have mirrors on their seats. You have to watch your child while they are eating and at this age they are not eating solids yet anyways.
- Sen. Ward asked, would you recommend having mirrors?
 - Rep. Fenton, yes, these mirrors about \$5.00 or so and you can see your child.
- Sen. Birdsell said, who is going to enforce this once it is put into place?
 - Rep. Fenton said, state and local law enforcement.
- Sen. Birdsell said, as amended this bill looks like a child over 40lbs would not be able to age out?
- Rep. Fenton said, if your child is larger than average this would not apply.

Representative Leah Cushman, Hillsborough 2

- Rep. Cushman testified in opposition to this bill.
- Rep. Cushman said, this bill should not have passed in the House.
- Rep. Cushman said, this bill creates a hardship on low-income families. It is against the concept of the live free or die state. I support rear facing car seats. We should not be making criminals of parents that cannot afford rear facing car seats or larger cars. Larger vehicles use more gas. Not all cars can fit multiple rear facing car seats.
- Rep. Cushman said, education is the best way to address this issue. This bill would create a law more strict than the car seat laws in California.
- Rep. Cushman said, childhood obesity has tripled since 1970.
- Rep. Cushman said, we do not micromanage parents. This bill is an overreach and an unfair impact on low-income families.
- Rep. Cushman said, please vote ITL on this bill.

Representative Karel Crawford, Carroll 4

- Rep. Crawford said she is on the House Transportation Committee.
- Rep. Crawford testified in support of this bill.
- Rep. Crawford said, this is a reasonable bipartisan bill for child safety. Requiring children under the age of two to be in rear facing car seats saves vulnerable lives.
- Rep. Crawford said, this bill has broad support. I would love to believe all parents want their children under two in rear facing car seats.
- Sen. Watters said, aren't car seats made so they can be placed forward or rear facing so you do not have to buy another car seat?
 - Rep. Crawford said, yes.
- Sen. Watters said, I am thinking about 27-28 years back now, but even then you have a smaller car seat up to age two and then you are buying a different one because they just don't fit anymore. Isn't that the case?

- Rep. Crawford said, I would say yes. Our car seats were rear facing and then when the children were able to face forward, we just turned them around.

Representative Erica Layon, Rockingham 6

- Rep. Layon testified in opposition to this bill.
- Rep. Layon said, this is a well-intentioned law, but it should not be law. I am happy to see this win for child safety, but it has come from education, not law.
- Rep. Layon said, it is a challenge to find a car seats that fits my three boys in car seats all together.
- Rep. Layon said, cultural shifts come from education (ex. reduced number of smokers in the country).
- Sen. Birdsell said, I heard the question asked prior, and since you have kids, I will ask. Are most of the new car seats interchangeable between forward and rear facing?
 - Rep. Layon said, yes, but they take up a very different amount of space when forward vs. rear facing. It is almost impossible to fit in a sedan, especially with someone in the passenger seat. It is a close fit in our SUV even. This bill cannot change the physics and the size of seats. This is a problem with playing Tetris.

Representative Judy Aron, Sullivan 7

- Rep. Aron said she believes this bill was made with good intentions, but NH parents do not need or want this bill.
- Rep. Aron said, we already have state statute that tells us children need to be in a proper restraint while traveling in a vehicle. These guidelines tell us there is an age overlap for using certain car seats. This bill offers an inflexible use of car seat for under age two. Rear facing or forward facing use of car seats is appropriate at eighteen months or two years. This should be up to the parent and pediatrician.
- Rep. Aron said her constituents disagree with this bill. Rep. Aron shared an anecdotal story of child throwing up while in a rear facing car seat.
- Rep. Aron said, it can be dangerous when parents cannot see their child.
- Rep. Aron said, it is psychologically cruel to have child facing away like they are in punishment.
- Rep. Aron said, a child's height needs to be included. They could be squished while rear facing.
- Rep. Aron said, this bill puts a lot of work in law enforcement. They will have to question the height, weight, and age of child with no way to verify the information at the scene.
- Rep. Aron said, there is no problem of children two or under dying from not using rear facing car seats according to NH statistics. Please vote against this bill.

Representative Timothy Horrigan, Strafford 6

- Rep. Horrigan testified in support of this bill.

- Rep. Horrigan said this is a commonsense bill. Car seats exist only because of government mandate. Rear facing car seats are safer.
- Rep. Horrigan shared an anecdotal story about California law.

Thomas D. Leach, MD, CHAD

- Dr. Leach testified in support of this bill.
- Dr. Leach works with the child safety network, which includes 216 certified technicians that can aid parents and caregivers with car seats. Children are all different sizes with unique needs. There are 59 fitting stations throughout the state. We see a lot of examples of the concerns previously stated.
- Dr. Leach said, there are more seats available now than ever. Convertible seats can go both forward facing and rear facing. It is common for parents to purchase an all-in-one car seat, which can face both ways and can also become a booster seat.
- Dr. Leach said, we like to follow the guidelines of the American Academy of Pediatrics.
- Sen. Watters asked, does your research show any differentiation among states that have this and don't have this in terms of child injury.
 - Dr. Leach said, NH doesn't have very good data. I can get some CHAD information, but it wouldn't provide you with a very clear picture. A trauma registry through the state would help us answer that question. It is true that NH is doing very good with the child fatality rate. It is best practice of keeping kids rear facing to prevent injuries. This law would help send a consistent message of best practice.
- Sen. Sherman asked, are there other states that do not have these laws in place where we can compare data?
 - Dr. Leach said, I do not have those numbers, but we may be able to get them.
- Dr. Leach said, some families have seats that do not fit in their cars. We deal with parents with triplets a lot. We try to find the most narrow seats we can. These children are so fragile. The head and the spine are very vulnerable. We need to provide this additional protection.
- Sen. Sherman asked, if you have three kids, you may have outstripped capacity even with existing law. If you have more children than your car can handle, then it is not unique to this law.
 - Dr. Leach said, that is correct. It is the number of children and the space taken up. Rear facing crowding exists. The messaging is confusing. Unless someone has been trained, I do not think anybody should be deciding if a child should be forward or rear facing. It does not make you good or bad parents. You think you know about crash dynamics, and there is a lot to learn when you actually take the classes.
- Sen. Birdsell said, if it is based on the size and age of the child. Section 1 specifically states that no person shall drive a vehicle on any way with a person of less than two years of age unless in a rear facing restraint system. If a child has gone beyond the size of the manufacturer established at eighteen months, then why are we designating two years?
 - Dr. Leach said, I believe there is a clause in the bill that excludes a child that goes beyond the size required by the manufacturer.

- Sen. Birdsell asked, will an officer take the time to find out if children are underage but overweight and height?
 - Dr. Leach said, the goal is education, not enforcement. This is tough to do both at the same time with the bill.
- Sen. Birdsell asked, would it be better to put a bill in to educate parents and not mandate?
 - Dr. Leach said, through this bill we will be advertising the changes in the law through our campaigns.
- Sen. Sherman asked, shouldn't we amend this to have the exemption in both paragraphs?
 - Dr. Leach, if that makes the bill clear to understand, then yes.

Cindy Tuttle, RN

- Ms. Tuttle testified in support of the bill.
- Ms. Tuttle performed a demonstration with a rear facing car seat and a transforming seat that can be forward or rear facing. She demonstrated how a seat would protect a child in a crash.
- Ms. Tuttle said, 95% of children do not reach 40lbs before the age of two. A transforming car seat can be used up until 65lbs. This means it's good from birth to 65lbs, so there is no additional cost.
- Sen. Watters said, we have heard testimony on the practicality of a two-year age limit. Isn't the point here that if a child is more than 40lbs, then it doesn't apply? If a child is 40lbs or older, wouldn't it better for the child to then be in a larger seat and face forward by then anyways?
 - Ms. Tuttle said, even if a child is larger, rear facing is still safe. With longer legs we recommend for the child to sit criss-cross-applesauce. It is easier to fix a broken hip than a shattered leg. It is safer to be rear facing.
- Sen. Watters asked, at some point you will have to buy a larger seat anyways?
 - Ms. Tuttle said, most parents transition into a rear facing convertible seat. This bill is about keeping children rear facing longer. This is the safest means.
- Sen. Watters said, I am trying to emphasize the parental choice. Sooner or later, you are going to have to size up anyways if you start with the small non transforming one car seat.
 - Ms. Tuttle agreed.

Dr. Sai Cherala, DHHS

- Dr. Cherala testified in support of this bill.
- Dr. Cherala said, the speakers before addressed importance of using the right car seat. A child in a rear facing car seat will have less injuries. Significant trauma to the neck and spine happens when children are in a forward facing car seat in an accident.
- Dr. Cherala said, in NH our numbers for child fatality are low, but the biggest concern for us is the trauma and the quality of life for the child and the family after. This also impacts the cost of state services.

Dan Goodman, AAA Northern New England

- Mr. Goodman testified in support of this bill.
- Mr. Goodman said, the majority of crashes happen from side or the front of the vehicle.
- Mr. Goodman referred the committee members to a video link included in his written testimony submission.
- Mr. Goodman said he is a father of two children in rear facing car seats. He said he uses the mirrors referenced before to see his children and they do sell for \$4.00-\$5.00.
- Sen. Birdsell asked, does AAA have any information or data in NH for accidents involving children under the age of eight years old?
 - Mr. Goodman said, we do not, but I can try to reach out to the Department of Safety.
- Mr. Goodman said, I am seeing parallels from the 2015 hands free law in the testimony here. We want to push a strong education campaign with this bill if it does go forward to become law.

William Haynes, Department of Highway Safety and State Police

- Mr. Haynes said, the training available for parents is a phenomenal asset. We advocate supporting whatever it would take to help education populations to help them follow the law.
- Mr. Haynes said, this would not be a criminal offense or a traffic offense.
- Sen. Sherman said, we heard testimony earlier about people who could not afford car seats and could not fit car seats in their car. How would law enforcement handle that situation? Can you tell us what is the typical approach?
 - Mr. Haynes said, I would look at the child and ask the parent. I believe most people are honest. You do justice and take the opportunity to educate them. It does not have to result in a corrective negative reinforcement. It can result in education.
- Sen. Sherman asked, there is an exemption for height and weight in the bill and then a two-year-old component. You already have this for children that grow out of car seats in general. How is that handled? What does law enforcement do in that setting when you cannot quite tell?
 - Mr. Haynes said, height and weight is the best way to do this. Especially if this were to go to court. Every seat comes with different height and weight standards depending on the manufacturer. We would have to make a conscious decision in the moment. Without a birth certificate we would have no way of knowing the age of the child.

Joe Colella, Juvenile Products Manufacturers Association (JPMA)

- Mr. Colella said, we actively monitor child safety bills to make sure they are consistent with manufacturer recommendations.

- Mr. Collela said, the updated policy statement from the American Academy of Pediatrics is based on child development. It is not based on the child's size. It is the child's development over time. Parents recognize time as a bench mark but they also need to stay consistent with height and weight. Some kids are very small for their age and some can be larger. The importance of having the right car seat for the age and size. As much as we want to hold on to the freedom to choose, these children do not have that freedom to choose for themselves.
- Mr. Collela referenced car crash demo videos that he has access to and would like to share with the committee.

Mr. Colella offered more testimony beyond his three-minute time limit and offered to answer any additional questions from the committee members. The committee members agreed to return to him at the end of the hearing.

- Mr. Collela said, AAP has notified that few than 0.1% of children will exceed the weight limit of the convertible car seats. Even if they exceed the weight limit, it is still safer for them to ride rear facing. The cost of those seats starts at \$49.00. It is the same you would spend to adhere to current law.
- Mr. Collela said, as far as car sickness, there is no credible data that rear facing puts anybody at risk for more car sickness than forward facing. It is the disconnect of feeling movement and seeing movement. Children should be able to see out the window still the same. It is not a problem.
- Mr. Collela said, as far as the freedom to choose, NH already tells parents they must use car seats and seat belts. Rear facing is just as valid of a selection.
- Mr. Collela said, rear facing is safer. It causes the body to all slow down at the same rate of speed. A rear facing car seat does not put strain in spinal cord and head in a crash.
- Sen. Birdsell asked, do you know what the percentage of NH families use the front facing car seats?
 - Mr. Coella did not know the answer. He said, I am not sure if your state's observational survey captions that. I do not know if that level of data exists for NH. Even though NH has a low number of fatalities, we are talking about injuries and reducing the severity of injuries.
- Sen. Birdsell asked, do you have any data on injuries in NH for forward facing car seats?
 - Mr. Colella said, I don't know. I'm not from NH. I'm from a national organization.
- Sen. Sherman said, I have two questions about when a child has one of these injuries and does not die:
 - (1) How much is the price tag for one of those injuries?
 - (2) How many of those kids require long term care, such as rehab or physical therapy?
 - (3) How many kids have long term disability based on injury from the wrong kinds of car seats?
 - Mr. Colella said, the CDC recently updated their studies for the cost data of a crash. These injuries are not all life threatening but can include lifelong treatment. The rate children are dying in these younger ages have been cut into a fraction in the last few decades. As for injury, the seat choice can drastically reduce injury.

- Sen. Birdsell asked Mr. Colella to send videos of the crash demos he referred to earlier in his testimony.

Dan Hale, MD, American Academy of Pediatrics (AAP)

- Dr. Hale said he is a pediatrician and member of American Academy of Pediatrics.
- Dr. Hale testified in support of this bill.
- Dr. Hale said, this bill brings NH up to modern standards. Any measure to help with education and intervention will save lives.
- Dr. Hale said, these recommendations are all based on the 2018 technical AAP report. This report reviewed data that rear facing car seats protect children from crashes.
- Dr. Hale said, car seats are already law we are just modernizing requirements.

KNK

Date Hearing Report completed: April 26, 2021