



April 15, 2024

The Honorable Greg J. Reed, President Pro Tempore
The Honorable Steve Livingston, Majority Leader
The Honorable Bobby D. Singleton, Minority Leader
Alabama Senate
11 South Union Street
Montgomery, Alabama 36130

Dear President Pro Tempore Reed, Majority Leader Livingston, and Minority Leader Singleton:

Advocates for Highway and Auto Safety (Advocates), an alliance of consumer, safety, medical, public health and law enforcement groups and insurance companies working together to pass highway and auto safety laws that prevent crashes, save lives, reduce injuries, and contain costs, supports enactment of provisions in House Bill (HB) 265 to establish protections for child passengers. However, we recommend making a few minor, yet important, modifications to improve the bill and enhance the safety of child passengers.

Motor vehicle crashes are a leading cause of death for children in the United States.ⁱ An average of over three children under age 14 were killed and about 445 were injured every day in traffic crashes in 2021 – amounting to a total of 1,184 fatalities and 162,298 others injured.ⁱⁱ Improperly restrained children traveling in vehicles present a serious yet fixable public health problem. Across all age groups, injury risk is lowest (less than two percent) when children are placed in an age-appropriate restraint in the rear seat.ⁱⁱⁱ Use of appropriate child passenger safety seats is 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.^{iv} More than 325 lives were saved in 2017, the most recent year an estimate is available for, by restraining children four and younger in passenger vehicles.^v

HB 265 will improve the current child passenger safety law by requiring children to be restrained in a rear-facing safety seat until at least age two and children who outgrow a rear-facing safety seat to be secured in a forward-facing child restraint system until at least five years old or 65 pounds. Advocates supports these upgrades which are consistent with best practices identified by the American Academy of Pediatrics (AAP) and others.

We suggest improving the bill's booster seat provision. In its updated guidelines, the AAP identifies the best practice for transitioning out of a booster seat and into a seat belt is "typically when they have reached 4 ft 9 inches in height and are between 8 and 12 y. of age."^{vi} This recommendation is supported by growth charts for the average development of children which find that more than 95 percent of boys and girls are less than 4 feet 9 inches in height at age nine.^{vii} Therefore, in the vast majority of cases, the transition from a booster seat to seat belts should occur beyond age eight and accordingly the bill should be amended to require booster seats for children until they are at least eight years old and 4 ft 9 inches.

Additionally, the language on rear seats should be strengthened to adhere to the best practice of having children 12 and younger properly restrained in rear seats. The bill recommends this, but to make the provision enforceable, we propose changing "recommended" to "required."

We appreciate your consideration of these safety improvements to HB 265 and urge swift upgrades and passage to enhance the safety of our most vulnerable passengers.

Sincerely,

Catherine Chase, President

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

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- ii Traffic Safety Facts 2021 Data: Children, NHTSA May 2023, DOT HS 813 456, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813456>.
- iii Risk of Child Injury by Seat Row and Restraint Type, 1998-2002, Age 0-12 years, Children’s Hospital of Philadelphia, 2014. Available at https://injury.research.chop.edu/sites/default/files/documents/seat_row_0.pdf.
- iv Evaluation of Child Restraint System Effectiveness, NHTSA, December 2020, DOT HS 813 047, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813047>.
- v Traffic Safety Facts 2020: A Compilation of Motor Vehicle Crash Data, NHTSA, Oct. 2022, DOT HS 813 375, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813375>.
- vi Durbin D, Hoffman B. Child Passenger Safety. AAP policy statement from Council on Injury Violence and Poison Prevention. Pediatrics. 2018b;142(5):e20182460. Available at <https://doi.org/10.1542/peds.2018-2460>.
- vii Clinical Growth Charts, National Center for Health Statistics, Centers for Disease Control, available at https://www.cdc.gov/growthcharts/clinical_charts.htm.