

New California Law Boosts Child Passenger Safety

Car collisions are known to be leading cause of death and acquired disability of children between the ages of 4 and 8 years. Booster seats have been proven to save the lives of children by reducing their risk of serious injury and death by 45%. California children are currently required to be buckled up in car or booster seats until they are 6 years of age or reach 60 pounds, whichever occurs first. That will be changing on January 1, 2012.

Senate Bill 929 authored by Noreen Evans (D-Santa Rosa) was signed into law by Governor Jerry Brown on October 4, 2011. The provisions of this legislation will require that children under the age of 8 (with no weight requirements) remain restrained in booster seats in the back seat of the vehicle, unless they are 4 feet 9 inches tall. This new law is consistent with best practices endorsed by the National Highway Traffic Safety Administration (NHTSA), National Transportation Board, American Academy of Pediatrics, American College of Emergency Physicians, and the Emergency Nurses Association.

California was the first state in the nation to implement a booster seat law in 2000. However; over time, the restraint mandates for children up to 6 years of age or 60, fell short of the standards of 30 other states, the District of Columbia and NHTSA. California child safety advocates began their efforts to strengthen the state's child passenger law with Senator Evans first introducing new legislation in 2006 and again in 2007. Both bills having passed through both houses of the Legislature were vetoed by the previous administration.

Giving children the *BOOST* they need

This new law addresses a problem many parents struggle with, notably that at age 6 or 60 pounds, most children still don't fit into the adult-sized seat belts. If the belt cuts across a child's neck or rests upon their abdomen then it does not fit properly and could cause serious injury. To try to make the adult-sized seatbelt fit comfortably, children will often place the shoulder portion of the belt behind them or under their arm, practices that equally make them vulnerable to injuries should a crash occur.

A seat belt fits properly when the lap belt sits low on the hips, touching the upper thighs, and the shoulder belt crosses the center of the chest without touching the face or neck. The goal of a booster seat is to **boost** the child up so that the lap/shoulder belt system will fit as intended for a taller person and performed as designed to. Booster seats are **never** to be used with lap belts only; they must be used with a lap/shoulder belt restraint system.

When is a child ready to use seat belts alone?

Research over the years has shown that height is a better predictor of when a child is ready to advance to a seat belt system alone, which is why the new California law has a height exemption of 4 ft 9 in for younger children. Children typically reach this height between the ages of 8 to 12 years. Parents can tell when their child is ready to begin using the seat belt system alone when the following three points can be met:

- Child is able to sit against the vehicle seat back with knees bent without slouching, and comfortably stay in this position throughout the trip.
- The lap belt sits low on the hips touching the upper thighs.
- The shoulder belt crosses the shoulder and chest without touching the face or the neck.

Hospital requirements upon discharge of a child under 8 years of age

Both the California Vehicle Code and Health and Safety Code cite responsibilities of hospitals to inform parents and care of the law upon discharge of a child covered under this legislation.

Vehicle Code Section 27363.5 (effective 1/1/12)

- (a) A public or private hospital, clinic or birthing center shall at the time of discharge of a child provide and discuss, information on the current law requiring child passenger restraint systems, safety belts, and the transportation of children in rear seats to the parents or the person to whom the child is released if the child is under eight years of age.*
- (b) A public or private hospital, clinic or birthing center shall not be responsible for the failure of the parent or person to whom the child is released to properly transport the child.*

Health and Safety Code Section 1268

- (b) As a condition of licensure, the director shall require evidence that the applicant have a written policy relating to the dissemination of the following information to patients:
 - (1) A summary of current state laws requiring child passenger restraint systems to be used when transporting children in motor vehicles.*
 - (2) A listing of child passenger restraint system programs located within the county, as required by Section 27360 or 27362 of the Vehicle Code.*
 - (3) Information describing the risks of death or serious injury associated with the failure to utilize a child passenger restraint system.**

A hospital may satisfy the requirements of this paragraph by reproducing for distribution materials specified in Section 27366 of the Vehicle Code, describing the risks of injury or death as a result of the failure to utilize passenger restraints for infants and children, as provided, without charge, by the Department of the California Highway Patrol. A hospital that does not have these materials, but demonstrates that it has made a written request to the Department of the California Highway Patrol for the materials, is in compliance with this paragraph.

Preparing for 1/1/12

The California Department of Public Health Vehicle Occupant Safety Program has developed materials in English and Spanish to assist with educating parents/caregivers of this new law. Additional languages will follow after the first of the year. Flyers can be downloaded from the VOSP website (cdph.ca.gov/vosp) for immediate reproduction. A limited number of prints will be available at the January 13, 2012 State Council Meeting in San Francisco.

For more information about this article or any other injury prevention-related topic, please contact, Patrice Christensen, RN, PHN, Injury Prevention/Institute for Quality and Safety Committee Chair.