



March 29, 2022

Maryland House of Delegates
Environment and Transportation Committee
House Office Building, Room 251
6 Bladen St., Annapolis, MD 21401

RE: SB 176 Vehicle Laws - Rear-Facing Child Safety Seats

Dear Chair Barve, Vice-Chair Stein and Members of the Environment and Transportation Committee,

As the state legislature considers improved child occupant protection legislation for Maryland families, the Juvenile Products Manufacturers Association (JPMA) would like to support the effort. We hope that your bill will represent reflect the latest research and the most current recommendations from the American Academy of Pediatrics (AAP) and the National Highway Traffic Safety Administration (NHTSA), delaying transitions between restraint categories based on manufacturer instructions and requiring that all child restraint and vehicle instructions are followed.

The Juvenile Products Manufacturers Association is a national not-for-profit trade organization representing 95% of the prenatal to preschool industry including the producers, importers, or distributors of a broad range of childcare articles that provide protection to infants and assistance to their caregivers. JPMA exists to advance the interests, growth and well-being of North American prenatal to preschool product manufacturers, importers, and distributors marketing under their own brands to consumers. JPMA also partners with government officials, consumer groups, and industry leaders on programs to educate consumers on the safe selection and use of juvenile products.

The current child passenger safety policy statement from the American Academy of Pediatrics (August 2018) recommends delaying transition as long as possible for each mode of restraint, based on the specific weight, height and age limits in the manufacturer instructions for the specific car seat model. The National Highway Traffic Safety Administration (NHTSA) guidance agrees with the AAP, and both groups recommend rear seat placement for children until they are at least age 13.

The JPMA generally supports legislation requiring extended rear-facing car seat use. With age 2 as a chosen requirement for rear-facing child restraint use, we must also consider that these safety devices are designed and tested to protect children within their specified height, weight and age ranges when

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used correctly. For that reason, we strongly recommend that the legislative language specifies that the child restraint manufacturer instructions for height, weight, age and usage must be followed. Ideally, such a requirement should be applied to all restraint systems in all modes of use, as it currently does for forward-facing children over age 2. This would be consistent with the above recommendations and would help avoid confusing affected motorists.

To assist with the creation of additional state requirements that reflect the latest recommendations and require proper use according to manufacturer instructions, JPMA has worked with experts in the field, advocate organizations and law enforcement specialists to develop model legislative language (next page). The suggested wording delays each transition, expressly requires child restraint selection and use according to manufacturer instructions, and reduces the need for exceptions, child weights or clarifying wording. Safe Kids Worldwide and the Safe States Alliance officially endorse the language as well, and other organizations are considering participation.

On behalf of the juvenile products industry and child restraint manufacturers, we want to thank you for your efforts to keep Maryland children safe from harm. Motor vehicle crashes are a leading cause of death and injuries, and car seat education, legislation, and enforcement are proven methods for reducing their negative effects.

Sincerely,

Joe Colella
Director of Child Passenger Safety
Juvenile Products Manufacturers Association

An Act relating to the use of child passenger restraint systems

Definitions

“child restraint system” - any device, except Type I or Type II seat belts, designed for use in a motor vehicle to restrain, seat, or position children who weigh 80 pounds (36 kg) or less. To comply, a child restraint system must meet all applicable Federal Motor Vehicle Safety Standards including FMVSS 213.

“properly secured” – used in accordance with child restraint system manufacturer instructions, including manufacturer height and weight limits, proper attachment to the vehicle, correct securement of the child and expiry dates

When a child who is less than eighteen years of age is being transported in a motor vehicle that is in motion and that is required by federal safety standards to be equipped with a safety belt system and/or lower anchors and tether anchors for children (LATCH) in a passenger seating position, the driver of the vehicle shall ensure that the child is properly secured as follows:

- (a) A child who is under the age of two years must be properly secured in a rear-facing child restraint system that is equipped with an internal harness.
- (b) A child who is at least two years of age must be properly secured in a rear- or front-facing child restraint system that is equipped with an internal harness.
- (c) A child who is at least four years of age must be properly secured in (i) a rear- or front-facing child restraint system that is equipped with an internal harness or (ii) a belt-positioning booster.
- (d) A child who is at least 9 years of age must be properly secured in (i) a belt-positioning booster or (ii) a properly fastened and adjusted vehicle seat belt system. A vehicle seat belt system is properly fastened and adjusted when a child is sitting all the way back against the vehicle seat back with the child's knees bending over the vehicle seat edge, the lap belt fitted snugly across the child's thighs and lower hips and not on the abdomen, and the shoulder strap snugly crossing the center of the child's chest between the neck and top of the shoulder.
- (e) A child who is under the age of thirteen years (12 and under) must be properly secured in a rear seat of the vehicle, unless all manufacturer-designated rear seating positions are occupied by other children or the vehicle does not have designated forward-facing vehicle seats or rear seating positions were not equipped with seat belts or lower anchors and tethers that meet all applicable Federal Motor Vehicle Safety Standards when released for original sale.

The court may exempt from the requirements of this article any class of child by age, weight, or size if it is determined that the use of a child passenger restraint system would be impractical by reason of physical unfitness, medical condition, or size. The court may require satisfactory proof of the child's physical unfitness, medical condition, or size and that an appropriate special needs child passenger restraint system is not available.