

# Traffic Safety Facts

## Laws

March 2005

## Strengthening Child Passenger Safety Laws

Traffic crashes are the leading cause of death in the United States for people age 3 through 33. All 50 States, the District of Columbia, Puerto Rico, and the U.S. Territories have child passenger safety laws ("car seat laws"). However, many of these laws have significant gaps and exemptions in coverage that diminish the protection available to children involved in vehicle crashes.

### Essential Components of a Strong Law

Child passenger safety laws should cover every child (up to age 16 or the State's driving age), in every seating position, in every passenger vehicle. In 2002, NHTSA partnered with the National Committee on Uniform Traffic Laws and Ordinances, the National Transportation

Safety Board, the Air Bag & Seat Belt Safety Campaign, the Automotive Coalition for Traffic Safety, Inc., and the Governors Highway Safety Association to create a "model law" which can assist States in drafting the language needed to eliminate the gaps that often occur in occupant protection legislation. The "model law" requires that when a motor vehicle is driven, every passenger shall have a safety belt properly secured around their body at all times. A copy of this model law is available at <http://www.ncutlo.org>

The following is a list of components that make up a strong child passenger law:

■ **Cover all occupants up to age 16 in all seating positions.**

All child passenger laws should cover children up to age 16 or the State's driving age without exemptions for out-of-state vehicles; the adult belt law should apply to all other occupants. Although some child passenger laws cover babies and young children, most laws do not protect children up to 16 years of age in all seating positions. For example, in many States, a 10-year-old can legally ride in the back seat without being secured because the laws in those States apply only to front seat occupants.

■ **Primary enforcement.**  
Occupant protection laws for

children should be primary enforcement laws, which allow a law enforcement officer to stop a vehicle and issue a citation when the officer simply observes an unrestrained occupant.

■ **Require child occupants to be properly restrained.**

The law should explicitly require a child to be in an age and size appropriate child restraint system. Currently, many States allow a child to be restrained in an adult safety belt when, in fact, a child safety seat or booster seat is the appropriate safety device for the child's age and size.

■ **Include all vehicles equipped with safety belts.**

A strong child passenger law should apply to all vehicles that are equipped with safety belts; no vehicles (i.e., pickup trucks), should be exempt.

■ **Make the driver responsible for restraint use by all children under 16 years of age.**

A strong child passenger law should assign responsibility for restraint use to the driver, regardless of relationship to the child. Many laws assign responsibility to a parent or guardian, who may not even be in the vehicle. Also, child passenger laws in many States do not assign responsibility to any specific adult, making these laws difficult to enforce.

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■ **Allow passengers to ride only in seating areas equipped with safety belts.** A strong child passenger safety law should not include exemptions that allow children to be transported in areas not equipped with safety belts. This practice is extremely dangerous and places children at unnecessary risk for death or serious injury.

■ **Prohibit all passengers from riding in the cargo areas of pickup trucks.** A strong child passenger safety law should prohibit all passengers from riding in the cargo areas of pickup trucks, SUVs or vans. When all passengers are prohibited, chances are increased that children will not be allowed to ride there. With or without a canopy, riding in the cargo area places all people at unnecessary risk of death or injury. In a study conducted in the State of Washington, researchers found that persons riding in cargo areas were nine times more likely to be killed when compared to the general population of those involved in crashes.

■ **Children with special needs.** A strong child passenger safety law should assure that children with special needs have access to proper resources for safe transportation.

## Upgrade Child Safety Laws Eliminate Exemptions

Many State laws have exemptions that allow children to ride unrestrained in certain vehicles under various circumstances. Listed below are exemptions and conditions that are included in many laws that leave children unprotected. These exemptions should be eliminated:

- Exemption for overcrowded vehicles. In nearly half of the States, children can ride unsecured if all safety belts are in use.
- Exemption for "attending to the personal needs of the child." This exemption allows adults to carry children in their laps during feeding or other activities while the vehicle is in motion—behaviors which may lead to more severe injury in a vehicle crash.
- Loose guidelines for issuing medical waivers that allow children with special medical needs to ride unrestrained. Advances in child restraint systems have made it possible to accommodate children with almost any type of physical disability.
- Exemption for out-of-State vehicles, drivers, and children. Currently, children in many States are not required to be secured, if the vehicle or driver is from another State. Laws should cover children, even when they are in a vehicle that is just "passing through" a State or with a driver who holds an out-of-State license.
- Exemption for drivers who are not the vehicle owner or who are not related to the children being transported. There are State laws that do not hold the driver accountable for unrestrained children.

## Conduct Combined Public Awareness and Enforcement Campaigns

- Research shows that high visibility enforcement, accompanied by education and media, is most effective in raising occupant protection system use. Publicity and enforcement must go hand-in-hand. Publicity campaigns should educate the

public about the importance of proper child passenger protection. Enforcement campaigns should include information on correct use, as well as publicity to raise public awareness of the law and its enforcement.

- Raise awareness of vehicle/child safety seat compatibility. Many parents and others who transport children do not understand the potential deadly results from a child seat or booster seat that is not properly used and secured in a vehicle.

## National Initiative for Increasing Safety Belt Use

The goal of NHTSA's Occupant Protection Program is to increase National safety belt use to 80-85 percent by 2005 and to increase the proper restraint use among children birth through 7 years of age to 91 percent by 2005. To achieve these goals, every person in America must take personal responsibility by buckling up and by properly securing children in vehicles. State and community participation in the Buckle Up America! (BUA) campaign will help to encourage and support these personal efforts.

## Highway Safety Grant Programs for Occupant Protection Activities

On May 22, 1998, Congress passed H.R. 2400, the Transportation Equity Act for the 21st Century (TEA-21). A number of programs established in TEA-21 have a direct impact on safety belt use and occupant protection. Beginning in FY 1999, the Section 157 Seat Belt Incentive Grant program authorized \$500 million over five years to encourage States to increase safety belt use

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rates. States received funds under this program based on projected annual savings in Federal medical costs resulting from increased safety belt use. States may use these grant funds for any eligible Title 23 project (which may include construction projects). The Act also provides that Section 157 funds not allocated to incentive grants in a fiscal year beginning in FY

2000 be allocated to the States to carry out innovative projects that promote increased safety belt use rates and child passenger safety activities. In addition, the Section 405(a) occupant protection incentive grant program authorized \$83 million over five years to target specific occupant protection laws and programs. Beginning in FY 1999, States received grants under

the Section 405 program if they demonstrated that they had in place certain occupant protection laws and programs, such as primary safety belt use laws and special traffic enforcement programs. Finally, Section 2003(b) of TEA-21 established a program in which the States received grants to carry out child passenger protection education and training activities.



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