

**WRITTEN STATEMENT OF  
HEATHER PAUL, Ph.D.,  
EXECUTIVE DIRECTOR,  
NATIONAL SAFE KIDS CAMPAIGN  
ON  
CHILD OCCUPANT PROTECTION ISSUES**

**April 24, 2001**

**Booster Seat Hearing**

**Senate Commerce, Science, and Transportation  
Subcommittee on Consumer Affairs,  
Foreign Commerce, and Tourism**

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My name is Heather Paul and I am the Executive Director of the National SAFE KIDS Campaign. It is my pleasure to testify before the subcommittee today. Mr. Chairman, thank you for inviting me to address this important topic of child restraints for older children and other critical child occupant protection initiatives. I also want to take this opportunity to express our appreciation for your sponsorship of last year's *Child Passenger Protection Act* and for making child passenger safety a priority for your subcommittee. The *Child Passenger Protection Act*, passed by the 106<sup>th</sup> Congress, helped us to refocus on how we can all protect children when they are traveling on our nation's roads.

**I. History of the National SAFE KIDS Campaign**

As you and many members of the subcommittee know, the National SAFE KIDS Campaign is the first and only national organization solely dedicated to addressing an often unrecognized problem: *More children under age 14 are being killed by what people call "accidents" (motor vehicle crashes, fires, and other injuries) than by any other cause.*

For well over a decade, the National SAFE KIDS Campaign (hereinafter "SAFE KIDS") has been focusing on this problem through the work of its national headquarters and its over 300 state and local SAFE KIDS coalitions – including thirteen SAFE KIDS coalitions in Illinois alone. From its inception, SAFE KIDS has relied on developing injury prevention strategies that work in the real world – conducting public outreach and awareness campaigns, organizing and implementing hands-on grassroots activity, and working to make injury prevention a public policy priority.

The on-going work of SAFE KIDS coalitions reaching out to local communities with injury prevention messages has helped lead to the decline of the unintentional injury death rate during the past decade – a 35 percent decline for children ages 14 and under. However, with one out of every four children – or more than 14 million children ages 14 and under – sustaining injuries that are serious enough to require medical attention each year, SAFE KIDS remains committed to reducing unintentional injury by implementing prevention strategies, and increasing public awareness of the problem and its solutions.

**II. National SAFE KIDS Campaign's Child Occupant Protection Initiatives**

Since 1996, SAFE KIDS has partnered with General Motors to develop and implement the SAFE KIDS BUCKLE UP program to address the needless tragedies associated with motor vehicle crashes – the leading cause of unintentional-related death among children ages 14 and

under. The SAFE KIDS/General Motors program is an historic long-term, initiative that has committed over \$20 million to the problem. The partnership's commitment and longevity are certainly warranted. Consider these statistics:

- In 1998, 1,765 child occupants ages 14 and under died in motor vehicle crashes. Children ages 4 and under accounted for 33 percent of these childhood motor vehicle occupant deaths.
- In 1999, an estimated 272,000 children ages 14 and under were injured as occupants in motor vehicle-related crashes.
- As of November 1, 2000, 98 children were killed by passenger side air bags. Nearly 89 percent of all children killed by passenger side air bags were either unrestrained or improperly restrained at the time of the crash.

#### **A. Alarming Child Safety Seat Misuse Rate: 4 out of 5 Child Safety Seats Improperly Installed**

An integral component of our the SAFE KIDS/GM partnership are Car Seat Check Up events conducted nationwide by the more than 300 SAFE KIDS coalitions, together with General Motors dealerships and its employees. These events are open to the public and provide families with free, hands on instruction on how to use child safety seats, booster seats, and safety belts correctly. The events not only occur at fixed sites like General Motors dealerships, but are also held at places where families go on a more regular basis, such as shopping malls and childcare centers. SAFE KIDS is better able to reach these additional families when we expanded our General Motors' partnership and created the first ever nationwide Mobile Car Seat Check Up program. General Motors donated 51 Mobile Car Seat Check Up vans to coalitions in each state and the District of Columbia. These vans are packed with child passenger safety literature, tents, cones, child safety seats, booster seats, and everything necessary to hold a Car Seat Check Up event at a community venue.

As we have found at these events and reported in our 1999 study, *Child Passengers at Risk in America: A National Study of Car Seat Misuse*, misuse of child safety seats is widespread. It is estimated that although 96 percent of parents believe they install their child safety seat correctly, approximately 85 percent of children placed in child safety seats are actually improperly restrained. Over the past four years, the National SAFE KIDS Campaign has checked more than 160,000 child safety seats through over 4,000 nationwide Check Up events and given away more than 100,000 child safety seats to families in need. Our national numbers are consistent with what we find in Check Up events in Illinois. In Illinois, close to 200 Check Up events resulted in over 6,000 child safety seats being checked – with a 90 percent misuse rate. We know that those parents and caregivers who attend our check up events leave not only with their child safety seat installed correctly, but also leave with a better understanding about how to travel with their children safely.

## **B. Shocking Child Safety Seat Nonuse Rate: 40 Percent of Children Continue to Ride Completely Unrestrained**

Our dealership-based and mobile check-up events have helped address the alarming misuse rate of child safety seats. Significantly, however, a full 30 percent of children still ride completely unrestrained. Our SAFE KIDS/General Motors' child occupant protection program addresses this problem also. In May of 1998, the United Auto Workers and General Motors joined the America's Promise initiative by committing \$5 million over three years to purchase child safety seats for families in low-income communities. The program aims to reduce the 1,800 deaths and 270,000 injuries among children in motor vehicle crashes every year. Far too often kids hurt in car crashes are not restrained at all. Special emphasis is placed on serving African-American and Latino children, who are being killed and injured in disproportionate numbers on our nation's highways. The seats are being distributed through a partnership with the National Council of La Raza (NCLR), the National Association for the Advancement of Colored People (NAACP), General Motors and SAFE KIDS.

As of March of 2001, a total of 30 NCLR affiliates and five NAACP branches in 24 different sites have established themselves as ongoing distribution centers, after receiving training and technical assistance in child passenger safety from SAFE KIDS coalitions and child passenger safety experts. Twenty-one additional NAACP branches joined with SAFE KIDS coalitions to hold one-day child safety seat checkup and distribution events in September of 2000. Representatives from these affiliates and branches have distributed over 76,000 child safety seats, including over 27,000 booster seats, and educated low-income families on proper use.

SAFE KIDS adamantly believes a properly used and correctly installed child safety seat is the best way to protect our nation's children from the dangers of car crashes. We believe, through our program and with the help of other dedicated child safety advocates and partner organizations, children will be better protected on our nation's highways.

## **III. Most State Child Occupant Protection Laws Have Dangerous Gaps and Weaknesses**

We know the best practices as to how to protect children when they travel and we know that in order to persuade parents to buckle up their children, we need to educate them about the benefits of proper restraint and the consequences of not restraining their children at all. Most experts agree that strong occupant protection laws, coupled with consistent enforcement, are a proven way to get children and adults to buckle up. Yet shockingly, a majority of states have gaps in their coverage – leaving certain motor vehicle occupants, especially children, unprotected. Loopholes in child passenger safety laws are confusing to parents who look to the law for guidance on how to best protect their children. They also serve as disincentives to law enforcement by negating the law's intent and failing to give police officers a clear directive to keep kids safe when traveling. These laws can leave children lawfully restrained, but woefully at risk.

**A. *Child Passengers At Risk in America: A National Rating of Child Occupant Protection Laws***

The first child occupant protection law was passed in Tennessee in 1978. Since then, all states have passed laws mandating that children be restrained in motor vehicles. Disappointingly, the numbers of unrestrained children injured and killed on America's roadways have remained alarmingly high for the last two decades, bringing renewed attention to all aspects of child passenger safety.

The reasons for nonuse and misuse are complex. However, most experts agree that one key factor has been weak state laws, many of which have gaps in coverage related to age, seating position, lack of specific child safety seat use, and other exemptions and insufficient penalties. Loopholes in child passenger safety laws are confusing to parents who look to the law for guidance on how to best protect their children. Weak laws also prevent police officers from adequately helping to protect children who travel on roads in their states.

Many safety advocates are working toward improving their child occupant protection laws. To further these efforts, the National SAFE KIDS Campaign recently completed the most comprehensive analysis of our nation's child occupant protection laws. We reviewed each existing child occupant protection law and then measured them against a model law that we believe provides a benchmark for every state legislature. Assessments were based on the language of each law, not on its implementation, enforcement, or other state child passenger safety programs.

Existing weaknesses and gaps are frightening. Nearly half of all states earned F's and more than a third earned D's.

- Nineteen states allow children to ride completely unrestrained. For instance, New Jersey's state law permits any child ages 5 and older to ride completely unrestrained in the back seat. Pennsylvania's law is even worse – a father can transport his four year old without safety restraints in the rear seat. In a crash, these unrestrained children are thrown violently within the interior of the car or even ejected from the vehicle all together.
- Thirty-four states allow kids to ride completely unrestrained in certain circumstances by exempting drivers and/or other responsible parties from compliance with their child restraint laws. For example, in Idaho and Tennessee a child can lawfully ride unrestrained if he/she is being nursed or his/her "personal needs" are being attended to. SAFE KIDS believes that a child should never be unrestrained in a moving vehicle merely because the child, at a moment in time, needs some extra attention.
- According to a majority of state laws, if there are not enough safety belts for all passengers, children can ride completely unrestrained. Other states allow children traveling in cars with out-of-state plates, or being driven by a resident of another state, to ride completely

unrestrained. SAFE KIDS believes a child born in Louisiana, traveling in Louisiana, but driven by his out-of-state grandmother still deserves the full protection of an effective law.

Although all these scenarios are legal, they leave our children in potentially dangerous, life-threatening situations. Inconsistent state laws do children a grave injustice. No child in America should be dependant on the state in which they live for their safety on the road. SAFE KIDS believes that child passenger safety laws should apply equally across all of the states and the District of Columbia.

#### **B. *Closing the Gaps Across the Map by 2006***

This rating of state child restraint laws clearly demonstrates that child safety needs to be a higher priority for our state legislators, governors, and citizens. In response, SAFE KIDS and its more than 300 coalitions have launched a five-year initiative to “close the gaps” in these laws, helping to ensure that all children are properly protected while traveling in motor vehicles. SAFE KIDS has provided individualized, tailored recommendations to each state legislature on how it can better protect its most vulnerable population and supplied model provisions to guide them in their efforts. Nationwide, SAFE KIDS coalitions have been working to upgrade their state child occupant protection laws, educating families on how to properly restrain their children, and assisting states in their law enforcement efforts. Already, at least 20 states have introduced bills to upgrade their law and three states (Arkansas, Georgia, and New Mexico), in response to their poor grades, have improved their existing laws – raising their failing or near failing grades to Bs.

#### **IV. Conclusion**

SAFE KIDS believes that a strong law, coupled with effective programming, is the cornerstone of any state’s commitment to child passenger safety. SAFE KIDS is dedicated to continuing its effort to both helping parents safely transport their children and assisting state legislatures with improving their child restraint laws. Today’s hearing, along with the awareness it will produce, will help SAFE KIDS and other child safety advocates better protect our nation’s children.

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*The National SAFE KIDS Campaign is the first and only national organization dedicated solely to the prevention of unintentional childhood injury – the number one killer of children ages 14 and under. More than 300 state and local SAFE KIDS coalitions in all 50 states, the District of Columbia, and Puerto Rico comprise the Campaign. Former Surgeon General C. Everett Koop, M.D., Sc.D., is chairman of the Campaign. For more information, visit [www.safekids.org](http://www.safekids.org).*