

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2208

2005 SENATE TRANSPORTATION

SB 2208

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2208

Senate Transportation Committee

☐ Conference Committee

Hearing Date 1-28-05

Tape Number	Side A	Side B	Meter #
1		x	1230-5640
Committee Clerk Signature <i>Mary K Monson</i>			

Minutes:

**Chairman Trenbeath** opened the hearing on SB 2208 relating to motor vehicle child restraint systems.

All members were present except Senator Nething.

**Senator Espegard** (District 43) See attached testimony in support of SB 2208.

**Representative Nottestad** (District 43) Appeared in support of SB 2208.

**Carol Meidinger** (ND Dept. of Health) See attached testimony in support of SB 2208.

She showed examples of low back booster seats and high back booster seats.

**Carma Hanson** (SAFE KIDS - Grand forks) See attached testimony in support of SB 2208.

**Senator Warner** didn't see any reference to school buses. Asked for her organization's stand on use of seat belts and booster seats in school buses.

**Carma Hanson** replied that currently there is not a law that requires seat belts on school buses.

Smaller vans that transport children do need to have seat belts in them. The information they

receive is that school buses tend to be relatively safe from the standpoint of the seats being close together and the children are tall enough. What happens is called compartmentalization where the children are kept in their seats. In her personal opinion she believes that, over time, seat belts will be added to buses.

**Patrick Ward** (State Farm Insurance) Testified in support of SB 2208. See attached testimony, brochures, video, and article from the Wall Street Journal. (Meter 2880) He had some suggestions for possible amendments that might strengthen the bill. One would be to consider raising the weight limitation from the 40 lbs to 60 or 80 lbs. The other would be to consider making the fine the cost of a booster seat and making it refundable once the parents produce a purchase receipt for a booster seat.

**Senator Espegard** asked him what happens at 40 lbs. What is allowable.

**Patrick Ward** (Meter 2975) His understanding is that the amendment they had would be to use the 40 lbs. The height requirement might be even more important. The important thing is the positioning of the child in the seat. If the child is too short, they tend to have the seat belt come across the neck or comes across the abdomen in the wrong way. It can make some pretty serious injuries possible. The bigger weight restriction is just to make sure those kids are bigger.

**Senator Espegard** asked if it says that if they are 40 lb.. or more, they don't have to have a booster seat or they have to have a booster seat.

**Patrick Ward** said, as he understands the current bill, it talks about a 40 lb. weight restriction in addition to the 4-7 years old. He was just suggesting that the 40 lbs. be switched to either a height requirement or that they consider making the poundage more.

**Senator Espegard** asked for clarification from Ms. Hanson. (Meter 3145)

**Carma Hanson** said the bill does not actually have a weight limit in it. It is just an age. The current law says age 4. They are requesting the age be raised to age 7. (Meter 3190) The best answer she can give if someone asks if they can take their child out of a booster seat is as follows: Can they sit with their back up against the back of the seat, their knees bent at the edge of the seat with their feet on the floor, with the lap and shoulder belt positioned across the shoulder and across the abdomen? That criteria is the very best criteria.

**Senator Trenbeath** asked if that should be the criteria they should be searching for -- language when the feet can be on the floor.

**Carma Hanson** said they are trying to keep the law simple and easy to use. Usually by age 7 or 8 the majority of children are meeting that criteria.

**Senator Espgaard** asked her to explain section 6 to the committee.

**Carma Hanson** said that would almost be an exemption in the law because booster seats require a lap and a shoulder belt. Some vehicles only have lap belts in the entire vehicle. There are some cases where there are three children and the lap and shoulder belts are on the outer position but the middle position doesn't have it. It is actually more dangerous to sit in a booster seat with only a lap belt than just sitting on the seat of the vehicle with a lap belt.

**Senator Warner** asked if it was advantageous to position the children who should be in the booster seats on the outside of the car and put an older child in the middle with just a lap belt, assuming there are two shoulder seats.

**Carma Hanson** said typically, yes. They recommend that whenever there is a lap and shoulder belt option, they get the upper body protection.

**Senator Trenbeath** addressed Mr. Ward and asked if he was willing to suggest language for the suggestions he was making to improve the bill.

**Patrick Ward** said, yes, he would. To clarify his testimony, he wasn't suggesting a weight limitation as an exemption to the 7 year old requirement. He was saying that for children even older than 7, they should consider putting into law some kind of requirement that has to do with height or weight.

**Ted Kleinan** (Pediatrician, Dakota Clinic, Fargo) Appeared in support of SB 2208. Distributed a letter from Dr. Todd Twogood, President Elect NDAAP, which establishes the Academy of Pediatrics guidelines. (See attached.) (Meter 3735) Cited a case in Fargo where a five year old in a car, properly restrained by a lap belt, suffered from a very unusual syndrome -- complete paralysis without a fracture of the spinal cord. That is why this is a wise bill to pass.

**Jim Blotsky** (An experienced parent) Testified in support of SB 2208 by offering a story that happened to his family. (See attached.)

**Senator Trenbeath** said that he hit on a point that everyone should recognize when he said, "I recognize that education has a stronger effect than legislation when changing the behavior of the public." The legislature will do its part in keeping these kids safe but these educational efforts that are underway with Ms. Hanson and others will have far more effect in the long term.

**Jim Blotsky** said he agreed. (Meter 4530) Children can't influence their parents in the way that seeing something written in law can.

**Jake Blotsky** ( 8 year old son of Jim Blotsky) Appeared to show support for SB 2208.

**Dawn Mayer** (Parent) Testified in support of SB 2208. She had her 4 year old son, Benjamin,

with her. She explained that, as the law is, he can go into a seat belt, despite his size. He is under 40 lbs. Changing this law would help keep him and his friends much safer. It would give parents an excuse for others, such as aunts, uncles, grandparents, child care providers, and even husbands, to transport their children safer. For some reason, people resort to the law when they transport children and that is a good thing. Boosters should be the norm, not a bother.

**Marsha Lembke** (ND DOT) Testified in support of SB 2208. (Meter 5245) . The ND DOT is providing funding to the Dept. of Health for the booster seat campaign. They have done it in the past and expect to continue it in the future.

**Senator Mutch** asked if there was an accident and the inspecting officer discovers a child was in the vehicle and didn't have a proper seat belt on, if there would be a fine.

**Mark Bethke** (Highway Patrol) answered the question. He said he would not. The law enforcement does not cite for someone who not buckled up in a seat belt or a child restraint after the fact in a traffic crash.

There was no opposition.

The hearing on SB 2208 was closed.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2208

Senate Transportation Committee

☐ Conference Committee

Hearing Date 2-04-05

Tape Number	Side A	Side B	Meter #
1		x	2760-3610
Committee Clerk Signature <i>Mary K Mouson</i>			

Minutes:

**Chairman Trenbeath** opened SB 2208 for discussion.

**Senator Espegard** offered a reminder that the bill defines a "child restraint system". The bill also says a child needs to be in a child restraint seat up to the age of seven. It assesses a \$25 fine for the violation of it. It also says, if a child is over forty pounds and there isn't such a device, they can use a lap belt. The main thing is that it moves the age up to seven years old from four years old, but allows the use of a booster seat instead of a child seat.

**Senator Trenbeath** referred to a proposed amendment by Pat Ward.

**Senator Espegard** felt the amendment would complicate the bill (Meter 3035). He suggested putting out a clean bill.

**Senator Espegard** motioned a **Do Pass**. Seconded by **Senator Bercier**.



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Senate Transportation Committee

Bill/Resolution Number SB 2208

Hearing Date 2-04-05

Discussion as to the possibility of setting up check points. In the case of an accident, a ticket wouldn't be issued if the child was not in the booster seat. Everybody does need to have a seat belt. There was also some discussion as to the bill as it is now.

Roll call vote 4-1-1. **Passed.** Floor carrier is **Senator Espegard.**

Date: 2-4-05  
Roll Call Vote #: \_\_\_\_\_

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO 2208

Senate TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Sen. Espegard Seconded By Sen. Bercier

Senators	Yes	No	Senators	Yes	No
Senator Espegard	✓		Senator Bercier	✓	
Senator Mutch		✓	Senator Warner	✓	
Senator Nething					
Senator Trenbeath, Chairman	✓				

Total (Yes) 4 No 1

Absent 1

Floor Assignment Senator Espegard

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
**February 7, 2005 8:46 a.m.**

**Module No: SR-24-1945**  
**Carrier: Espegard**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2208: Transportation Committee (Sen. Trenbeath, Chairman) recommends DO PASS**  
**(4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2208 was placed on the**  
**Eleventh order on the calendar.**

2005 HOUSE TRANSPORTATION

SB 2208

## 2005 HOUSE STANDING COMMITTEE MINUTES

### BILL NO. SB 2208

#### House Transportation Committee

☐ Conference Committee

Hearing Date March 17, 2005

Tape Number	Side A	Side B	Meter #
1	X		0.5-43.6
2	X		0-15.4
3	X		0-3.5
Committee Clerk Signature <i>De Loren Albrecht</i>			

#### Minutes:

Chairman Weisz opened the hearing on SB 2208 A Bill for an Act to amend and reenact sections 24-02-01.5 and 39-01-01, subdivision c of subsection 2 of section 39-06.1-06, section 39-08-18, 39-08-19, 39-21-41.2 and 51-20-01, and subsection 9 of section 57-40.3-04 of the North Dakota Century Code, relating to motor vehicle child restraint systems.

**Senator Espegard:** (See attachment #1)

**Chairman Weisz** I assume this is still in the same section so it would still be a primary enforcement. Senator Espegard said yes it is.

**Rep. Delmore**(2.4) This is a bill that I sponsored last session. It think it is a good bill; it is about safety of children. Right now we are giving out some very erroneous information to parents. I would certainly urge your support for this bill.

**Carol Meidinger:**(3.2) (See attached testimony #2)

**Rep. Thorpe**(6.1) I recall last session or session before that we were discussing child safety seats. At that time it seemed like the emphasis was on how tall the child was. They are forgetting about that now and going to the age 7?

**Carol Meidinger**:(6.4) We did discuss that and that certainly is a factor when we place a child in a seat belt we look to make sure it fits. The easiest thing is to go with age rather than go with the height because that is difficult for law enforcement to have to weigh and measure children.

**Rep. Weiler**(6.7) Those numbers are the same last session as now.

**Carol Meidinger**:(7.0) No, we still recommend that they be from 40-80 lbs and about 4'8" tall. Most of the kids who are 4,5,6 years of age fall into that age.

**Rep. Weiler** How about a child that is 8 years old and is not 4'8" tall and not 80 lbs.? You said that it would be easier for the law enforcement. I guess I questions that because the parents can say, yes he is 7 years old, so they can lie too so it is difficult to enforce either way.

**Carol Meidinger**:(7.8) Your first question dealt with the 80 lbs and not 4'8" tall. They could use a seat belt. We would try to encourage his parents to use it with a booster seat.

**Rep. Thorpe**(8.2) I am setting here taking a 7 year old to school to the second grade. Is there going to be a stigma to that child having to get out of a booster seat?

**Carol Meidinger**: That is what we are hoping to avoid with this bill because all 4,5,6 years would have to use the booster seats.

**Rep. Thorpe** Yet the ones that come on the bus don't need seat belts.

**Carol Meidinger**: That is correct. School buses don't come with seat belts. School buses don't need to comply with this particular law according to legislation. There is built in safety issues that are different than other passenger vehicles.

**Rep. Ruby**(9.6) Is this bill basically saying no matter what the age if they are 40 lbs. that they would not need to deal with booster seats?

**Carol Meidinger**: The one thing about booster seats is they have to be used with a lap and a shoulder belt. Some vehicles which only have lap belts and we do not want to promote misuse of those booster seats by having them used without lap belts. There are some child restraint systems that are like a full car seats and full harness for those we would have to deal with the parents individually. Does that answer the question.

**Rep. Ruby** No matter which way you buckle up you need some kind of a booster seat or car seat for a child even over 40 lbs if he is under 7 years of age.

**Carol Meidinger**: Once a child goes up to 40 lbs; the next step is a booster seat for child protection. So those parents that don't have a shoulder belt it gives them the option to use a seat belt other than use the child restraint seat incorrectly.

**Carma Hanson**: (12.0) (See attached testimony #3)

**Rep. Weiler** That 5 ½ year old that was in the accident. Do you have the weight?

**Carma Hanson**: I certainly know it was normal for a five year old. It was not a larger child. He did refer to the law; whether he could take a child out of a booster seat and the child was riding with a seat belt and for some reason decided to open the vehicle door on the interstate and he reached around to grab her and crashed in the meantime. The child suffered from seat belt trauma.

**Rep. Weiler**(16.5) Is \$25 enough for the fine?

**Carma Hanson**:(16.8) When we looked at penalties in other states they ranged from \$25-\$100. I think it is better than 1 point off the license.

**Rep. Ruby** With a child in a booster seat; do they still have a chance of abdominal injuries because of a lap top?

**Carma Hanson:** If they don't have shoulder belt we don't recommend just using a lap top belt. Better off just to be using a seat belt with the lap top in place.

**Rep. Ruby** (18.4) That is what my concern is because the way this is worded people may assume as long as there are no shoulder restraints; that they would still use that device, but just with a lap belt on. You are saying it is more dangerous just to have the lap top device than setting on the seat.

**Carma Hanson:** It does say with the directions on a booster seat that it should only be used with a lap and shoulder belt. I would hope they would questions if they do not have both.

That is also part of on going education.

**Rep. Bernstein**(20.1) The fine is going to be \$25; now do they have 1 point and \$25 or just the \$25.

**Carma Hanson:** \$25 is the fine now plus 1 point.

**Rep. Meyer** What is the price of these seats and would they be provided to you if you can't afford them.

**Carma Hanson:** A seat like this will last about 6 years. This seat is \$30. They are provided with a seat if a family can not afford one.

**Rep. Delmore** We also have programs in place in many of our cities where auto dealers is another place to go to make sure that people are protecting their children.

**Carma Hanson:** What you are referring to is a car seat checkup. For example in Grand Forks the second Thursday of each month our coalition conducts a car seat check up. They also receive



the education at the same time. If they are able to make a donation fine. If they can't that is fine as well.

**Chairman Weisz**(22.3) Do you know how much greater increase of injury we have in the 4-6 year olds versus the 0-4 year olds in ND?

**Carma Hanson**:I do know that when we see children in our emergency room or pediatric unit the children that are being injured in motor vehicle crashes certainly are fitting into that gap of the 4-7 and 8 year range where the seat belt are not fitting them properly.

**Rep. Schmidt** Under the old statue a home rule city or county could have imposed a fee; do you know if it did?

**Carma Hanson**:(23.8) That was taken out the last time so that is no longer in place.

**Rep. Schmidt** It was in place; did a city ever impose a fee?

**Carma Hanson**: Yes, Grand Forks did. Passed out a phamplets on seat belts.

**Jim Blotsky**:(24.5)(See attached testimony #4)

**Rep. Weiler**(29.4) Why is there such opposition to a height and weight requirement? Is it because it is more difficult to enforce?

Jim Blotsky: The intent is to make the bill simple enough so that the parents understand the importance and then hopefully parents will become educated on whether their child fits into the simple criteria.

**Rep. Weiler** We are talking about the safety of young kids lives. I am not concerned about the simplicity of the bill. I don't care how difficult the bill is to understand. If it is going to be for the betterment and safety of kids isn't that the issue here? As far as enforcement goes. We are dealing with the safety of kids and I don't care what is more important. We talk about most kids

are going to be OK if it is age 7. Most isn't good enough, I think they all need to be safe. If there parents do the right thing inside a car. That is why I think there needs to be a height and a weight issue and maybe a certain age.

**Dawn and Benjamin Mayer**(33.4)(See attached testimony #6)

**Pat Ward**: (39.1)Attorney with a Bismarck law firm and I represent State Farm Insurance company in support of SB2208. (See attached testimony #5)

**Dave Peske**: (See attached testimony #7) I just became a grand parent last summer so my wife and I am looking at presents for each other like car seats and things like that that we can have in our vehicles when our grand daughter comes home. (This is Todd Twogood's testimony)

**Chairman Weisz** Anyone else in support of SB2208. Any opposition to SB2203. Was none.

Hearing closed (43.6)

Tape 2, Side A

**Rep. Weiler** (0.1) Discussing proposed amendment. My whole concern with this issue is they came here two years ago with charts and big and colorful and the bill said they wanted the child to be seven years old. It didn't have anything to do with the charts. The amendment that I would propose is on page 16, line 23 after the word child, we are going to go from 4-7 years.

**Rep. Kelsch** I will oppose that. Is a law enforcement officer going to carry a bathroom scale with them and a measuring stick?

Rep. Weiler Made a Motion to accept the amendments. Seconded by Rep. Owens

**Rep. Weiler** I think seven years old is getting up there. If we can make it a little bit better having to be seven years old.

**Chairman Weisz**(4.7) The amendment would say if you are under the age of seven and over 80 pounds and over 4'8".

**Rep. Ruby**(6.3) My concern is how that will be used. Now they said it is not a good idea to use a booster seat where they have only a lap belt. To be that is conflicting and confusing. Does the new language help or not?

**Rep. Kelsch**(7.0) We have a concern that you are going to ask a kid to get out of a car to see how tall they are and you're still going to have to figure out if they weigh 80 lbs. You are pulling a child out of a car and asking them how old they are. If you are not sure and they are not in the booster chair you are going to have to figure out if they are 4'9" and weigh 80 lbs? You ask a kid how old they are and a kid will tell you how old they are.

**Rep. Thorpe** I understand where Weiler is trying to go with this, but I don't know how we are going to get it administered by the authorities? I have the feeling from the people presenting this bill that we do any amendments to it it will have to go back to the senate side and to conference committee. If there is a change the bill might make it, I would vote for it.

**Rep. Owens** I seconded this amendment and if it would have this law been in place when my son was 7 or under and I had been pulled over they would have given me a ticket. They would have said how old are you and he would have said 6 when actually he met the weight and height requirements. He has been big forever and he still is.

**Rep. Bernstein**(9.5) I think it will all be up to the parents' discretion how they raise their kid. We should just leave the bill as it is because the parents are going to be the ones that enforce it.

**Rep. Weiler** Just to respond to Thorpe's comment about making any changes which means having to send it to the senate where it may not survive. We do that all the time.

**Rep. Owens** We are talking to them outside and they were concerned about including height and weight . Their only concern was if that would kill the bill; but they certainly had no problem with that.

**Rep. Ruby** They were concerned about not having the bill killed. Whatever we had to do to get the bill passed was what they wanted.

**Rep. Weiler** Two years ago when this bill went to the house, it failed and the reason it failed was because why are we going to seven years old when there are five and six year olds this big ? I think it makes it a better bill.

**Rep. Vigesaa**(11.7) So last year it wasn't just the age requirement?

**Rep. Dosch** (12.5) I think the amendment makes it a better bill and right now seven is the only factor. If you do have a bigger kid that is younger it gives you more flexibility and will erase some of the argument on the bill.

**Chairman Weisz** We have an amended bill in front of us that brings back the weight and height restriction for under the age of seven. Called roll and tied 7-7. Motion failed.

**Motion Made by Rep. Weiler    Seconded By Rep. Price**

**DO Pass   12 Yes   2 No   1 Absent   Carrier: Rep. Kelsch**

done (15.4)

**Tape 3, Side A**

**Chairman Weisz** had to reconsider our actions whereby we passed SB 2008.

Voice vote passed.

Page 9  
House Transportation Committee  
Bill Number SB 2208  
Hearing Date March 17, 2005

**Rep. Weiler**(.3) There amendments two years ago it went from 4 years to 6 years with no mention in the bill of the height and weight of the child .If you like the bill pass the amendment, if you don't like the bill defeat the amendment.

**Chairman Weisz** The amendment was, if you are under 7 you have to one unless you are more than 80 lbs or over 4'8".

**Motion Made by Rep. Weiler Seconded by Rep.Kelsch**

**Do Pass As Amended Voice Vote carried Rep. Ruby in Opposition**

**Chairman Weisz** Now we have an amended bill in front of us.

**Motion Made by Rep.Kelsch Seconded by Rep. Weiler**

**Do Pass As Amended 11 Yes 2 No 2 Absent Carrier: Rep. Kelsch**

done (3.5)

Date: 3-17-05  
Roll Call Vote #: 5B2208

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. AM

House Transportation Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass As Amended #1

Motion Made By Rep. Weiler

Seconded By Rep. Owens

Representatives	Yes	No	Representatives	Yes	No
Rep. Weisz - Chairman		✓	Rep. Delmore		✓
Rep. Hawken - Vice Chair.			Rep. Meyer		✓
Rep. Bernstein		✓	Rep. Schmidt	✓	
Rep. Dosch	✓		Rep. Thorpe		✓
Rep. Iverson		✓			
Rep. Kelsch		✓			
Rep. Owens	✓				
Rep. Price	✓				
Rep. Ruby	✓				
Rep. Vigesaa	✓				
Rep. Weiler	✓				

Total (Yes) 7

No 1

Absent 1

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Yield

Date: 3-17-05  
Roll Call Vote #:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2208

AM

House Transportation Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number #2

Action Taken Do Pass

Motion Made By Rep. Winter

Seconded By Rep. Price

Representatives	Yes	No	Representatives	Yes	No
Rep. Weisz - Chairman		✓	Rep. Delmore	✓	
Rep. Hawken - Vice Chair.	—	—	Rep. Meyer	✓	
Rep. Bernstein	✓		Rep. Schmidt	✓	
Rep. Dosch	✓		Rep. Thorpe	✓	
Rep. Iverson	✓				
Rep. Kelsch	✓				
Rep. Owens	✓				
Rep. Price	✓				
Rep. Ruby		✓			
Rep. Vigasaa	✓				
Rep. Weiler	✓				

Total (Yes) 12 No 2

Absent 1

Floor Assignment Rep. ~~Dan~~ Kelsch

If the vote is on an amendment, briefly indicate intent:

Date: 3-17-05  
Roll Call Vote #: - PM

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2208

House Transportation Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass As Amend.

Motion Made By Rep Kelsch Seconded By Rep. Weiler

Representatives	Yes	No	Representatives	Yes	No
Rep. Weisz - Chairman		✓	Rep. Delmore	✓	
Rep. Hawken - Vice Chair.	<u>Abst</u>		Rep. Meyer	✓	
Rep. Bernstein	✓		Rep. Schmidt	✓	
Rep. Dosch	✓		Rep. Thorpe	✓	
Rep. Iverson	✓				
Rep. Kelsch	✓				
Rep. Owens	✓				
Rep. Price	<u>Abst</u>				
Rep. Ruby		✓			
Rep. Vigasaa	✓				
Rep. Weiler	✓				

Total (Yes) 11 No 2

Absent 2

Floor Assignment Rep. Kelsch

If the vote is on an amendment, briefly indicate intent:



REPORT OF STANDING COMMITTEE (410)  
March 21, 2005 8:35 a.m.

Module No: HR-51-5522  
Carrier: R. Kelsch  
Insert LC: 50402.0201 Title: .0300

**REPORT OF STANDING COMMITTEE**

**SB 2208: Transportation Committee (Rep. Weisz, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). SB 2208 was placed on the Sixth order on the calendar.

Page 16, line 23, after the period insert "However, a child under the age of seven who is at least fifty-seven inches [1.45 meters] tall and who weighs at least eighty pounds [36.28 kilograms] is not required to use a child restraint system."

Renumber accordingly

**2005 TESTIMONY**

SB 2208

**SENATE TRANSPORTATION  
CHAIRMAN TOM TRENBEATH  
January 28, 2005**

Good morning Chairman and committee for the record I am Duaine Espegard and I represent District 43 in Grand Forks.

I am here today to ask for your support for SB 2208.

SB 2208 is a bill that deals with our most precious assets, Our Children, and the safety of our Children.

There will be a great deal of testimony by those persons who have the information on the reasons for this legislation as well as some statistic in regard to the need, but I will discuss the bill and what the bill does.

First it further defines what a "Child Restraint System" is. It clearly defines what a child seat is and includes a belt-positioning booster seat.

It imposes a fine of \$25.00 for violation of this section 39-21-41.2

It further says that a child must be in a child restraint system until the age of 7. This is a change that the law previously said that a child must be in a child restraint until the age of 4. One must understand that a child under the age of four years old can be very small and thus the additional years.

It also says that if a child is over 40 pounds he/she may be restrained by a lap belt if the lap and shoulder belts are used by others in the car.

The bill also states that the only reason a child does not have to use a child restraint system is if they are being transported in an emergency. This is a change from the previous law that said that children did not have to be restrained if the other seat belts were used by other family members.

Chairman that concludes my testimony and request your support for SB 2208.

Duaine Espegard

**Testimony**

**Senate Bill 2208**

**Senate Transportation Committee**

**Friday, January 28, 2005; 11 a.m.**

**North Dakota Department of Health**

*Same  
To  
House*

Good morning, Chairman Trenbeath and members of the Senate Transportation Committee. My name is Carol Meidinger, and I am director of the North Dakota Department of Health's Injury Prevention Program, which coordinates child passenger safety activities in the state. I am here to testify in support of Senate Bill 2208.

Senate Bill 2208 has two primary components. First, it increases the age for children required to ride in a child restraint from age 4 to age 7. Second, it adds a monetary fee of \$25 for violation of this law. Current law has a penalty of one point with no monetary fee.

Increasing the age for child restraint use would make North Dakota's law more consistent with recommendations from the National Highway Traffic Safety Administration and the American Academy of Pediatrics.

Current North Dakota law allows a 4-year-old to use a seat belt. Seat belts, however, are not designed for young children. The shoulder belt crosses the neck or face, and the lap portion rides high on the tummy, not down on the hips. The shoulder belt often is placed under the child's arm (a very dangerous practice) or behind the child's back. In a crash, improperly fitting seat belts can cause internal injuries, spinal cord damage or ejection from the vehicle.

The solution is for parents to use booster seats for children who weigh from 40 pounds to 80 pounds and who are less than 4 feet, 8 inches tall. Most children do not reach that weight and height until they are between 6 and 8 years of age. The booster seat raises the child up, helping to keep the lap belt low on the hips and the shoulder belt centered on the shoulder and chest.

Parents are often confused about the difference between what is "safest" for their children and what is "legal." They believe that because the law allows their children to use seat belts at age 4, it is safe to do so.

If passed, Senate Bill 2208 should not create a financial burden on parents. Booster seats are available through local car seat distribution programs for parents who cannot

afford to purchase one. The programs do request a small donation that goes back into the program to purchase additional car seats. Booster seats are also available at stores and cost less than \$20 for a low-back booster and about \$30 for a high-back booster.

The North Dakota Department of Health is committed to helping parents provide safe and appropriate transportation for children of all ages. We currently have car seat distribution programs throughout the state. We conduct car safety seat checkups to assist parents in proper use of their car seats, and we provide training to local agency staff so they can help parents in their communities. We have been promoting the use of booster seats for the last couple of years with our "Boost, Then Buckle" Campaign, and we will continue these activities. However, the Department of Health believes our efforts would be more effective if North Dakota law supported the recommendations we give to parents.

The Department of Health would appreciate your favorable response to Senate Bill 2208. I am happy to answer any questions you may have.

## **Testimony**

### **Senate Bill 2208**

#### **Senate Transportation Committee**

**Friday, January 28, 2005**

#### **SAFE KIDS Grand Forks**

Mr. Chairman, members of the Committee, my name is Carma Hanson. I am an Intensive Care Nursery/Pediatric Nurse and the Coordinator of SAFE KIDS Grand Forks. Our childhood injury prevention coalition is a community-wide group with Altru Health System as the lead agency. I also serve as a certified child passenger safety technician and coordinate all the child passenger safety activities in the Grand Forks community. I am here to testify in support of Senate Bill 2208.

Motor vehicle crashes are the leading cause of death and injury to children under age 14. As a nurse, I see far too often the damaging effects that using an adult seat belt for a young child can have. Recently Altru Health System admitted a 5 1/2 year old that suffered severe abdominal trauma from using an adult seat belt when in a crash. When we visited with her father about using the seat belt, he stated that "since the law says they can use a seat belt at age 4, he thought she was safe". This is a common misconception of parents with children of this age; "the law says age 4 so they must be safe".

When the initial child passenger safety law was put into effect in the early 80's, it was effective and fairly current with the standards and car seat technology of that day. While the law has been updated in some areas since 1983, there remains areas of deficiency in the children of booster seat size and age. Today, we have much better and more cost effective car and booster seat options available to parents that were not available in the early 80's. The current law needs to be updated to better protect the children of our state.

Over the past several years, over half of the states in the nation (27) have updated their laws to require booster seats in children ages 4-8. This year alone, there are another 24 states that are introducing legislation similar to what we are proposing.

Government's role should be in advocating and watching out for those citizens that cannot do so themselves; children would certainly fit into that category. We sometimes need to legislate activities which will keep children safe and updating the law would provide parents with more accurate information on what is best and safest for their children.

In 2001, the National SAFE KIDS Campaign conducted a study on every state's child passenger safety laws. At that time, the report revealed startling deficiencies in the laws around our country. As I indicated, since that time, 27 states have updated their laws and 24 more are proposing legislation to do so. In the study, North Dakota's CPS law scored a D. Not only did we score low for not requiring older children (age 4-8) to ride in a booster seat, but we did not have a monetary penalty. Currently, there is only one point taken from your driver's license if you are not in compliance with the law. SB 2208 would add a \$25 fine for violation of this law.

In the state of North Dakota, a hunter shooting a deer out-of-season is subject to a \$500 fine, 3 months in jail and confiscation of their vehicle, guns and license. It would only seem rational that a \$25 fine for not protecting our precious children of the state would be reasonable and not too extensive.

Strong child passenger safety laws are an effective catalyst for changing behavior. Past studies of specific child occupant protection laws demonstrate that they have increased restraint use by as much as 35% and reduced fatalities by 25 - 60%. The children of our state deserve that added protection and their parents need a law providing them with accurate and safe information. It is with great hope that you will support Senate Bill 2208 in an effort to achieve that mission. SAFE KIDS Grand Forks and Altru Health System thank you for your support of Senate Bill 2208.

Patrick J. Ward  
State Farm  
Senate Transportation  
January 28, 2005

Testimony in Support of SB 2208

Chairman Trenbeath and Members of the Senate Transportation Committee. My name is Patrick Ward. I am an attorney with the Bismarck law firm of Zuger Kirmis & Smith. I represent State Farm Insurance Companies in support of SB 2208.

We specifically support that portion of the bill which relates to child restraint devices, section 6, especially that part of the bill which raises the age in which a child must be in a child restraint system from 4 to 7 years of age.

Research has shown that adult seatbelts do not fit children properly. This leads to unnecessary injuries to the neck and abdomen areas in the event of a crash, known as seatbelt syndrome, as well as four times the likelihood of a serious head injury.

Booster seats properly position the seatbelt to fit tight across the hips and the chest, rather than across the abdomen and neck. Harness systems for larger children are acceptable also.



Currently the use of safety restraints appropriate to size is low among 4 to 7 year olds. One reason for low usage is lack of awareness of how important this issue is to child safety. Booster seat laws like this one address this lack of knowledge by educating parents and caregivers about the safety need for booster seats. In fact, the child passenger safety model law recommends that all children less than 8 years of age, or weighing less than 80 pounds, be correctly secured in an appropriate child restraint, whether it is a child safety seat, a booster seat, or another appropriate restraint system such as a harness. In all cases, children under 12 should be in the back seat whenever possible.

State Farm has a strong commitment to safety. We urge a Do Pass on SB 2208.

Patrick J. Ward

11/31/05

Draft No. 50402.0200

Proposed Amendments to SB 2208

Page 16, line 30, after 17 years of age, insert "or over 7 years of age, but not taller than 4 feet 8 inches"

Page 15, line 3, replace "twenty-five dollars" with "fifty dollars", after "dollars" insert ", to be refunded upon proof of purchase of an approved child restraint system as referenced in section 39-21-41.2."

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## Newsbriefs January 27, 2005

**Bringing you  
industry, financial,  
technology and  
national news.**

Newsbriefs is an unedited digest of news media coverage and commentary on the insurance and financial services industries and State Farm. These articles reflect the observations and understandings of the individual journalists.

### Car Seats for 8-Year-Olds

WASHINGTON (The Wall Street Journal)—Parents who stopped wrestling their kids into car seats years ago may soon have to flex those muscles again.

A growing number of states are requiring children as old as 8 -- kids who have outgrown basic car seats, but who still are too small to use regular seat belts -- to sit in booster seats. The seats, which cost as much as \$70, are designed to raise a child up so that a regular seat belt can rest properly across his or her lap and shoulders. The concern is that, without such a seat, regular seat belts can pose a risk of abdominal or spinal-cord injuries to children.

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Booster-seat laws, aimed at older children, have been on the books in some places since at least 2000. But efforts to toughen the rules, spurred by new research, are keeping more kids in seats for more years. Car-seat makers, seeing an expanded market -- and aware that most kids resist the restraints long before they are 8 years old -- are trying to design new models that will appeal to both parents and kids.

Six states passed or expanded their booster-seat laws in 2004, with most changes going into effect this year; those states include Indiana, North Carolina and New York. Several more states, including Connecticut and Minnesota, have legislation pending. These efforts follow those of 22 states and the District of Columbia, which have put such laws in place during the past four years.

In December, the National Highway Transportation Safety Administration issued a requirement that all new cars, SUVs and pickup trucks include lap-and-shoulder belts -- which work with boosters -- in the middle rear seat. Right now, an NHTSA spokeswoman said, only 20% at most of kids who need to be in boosters actually use them.

While the state laws vary in their requirements, the upshot is that millions of parents are being told to keep their children in better, safer restraints until they are 5, 6, or even 8 years old, or reach a certain height or weight.

A 2003 study by Partners for Child Passenger Safety, funded by State Farm and conducted by the Children's Hospital of Philadelphia, found that use of a booster seat, instead of a seat belt alone, reduced injuries 59% for children ages 4 through 7 involved in crashes. Injuries ranged from facial lacerations to serious brain and spinal-cord injuries.

Car seats for infants and toddlers, first required by a state law in 1977, provide a complete seat-and-strap system, locked into place by the car's own seat belt. Booster seats, by contrast, are designed to position the child better to use the existing lap and shoulder belt. The seat raises the child and uses loops or guides to keep the belt resting properly across the child's lap and shoulders.

Eyeing this potential market, car-seat makers such as Evenflo Co. Inc. of Vandalia, Ohio, are bringing out boosters with an added cool quotient, such as built-in cup holders, armrests and reading lights, to help parents keep kids belted in longer -- or woo back those who thought they long ago had graduated to grown-up seats.

This fall, Graco Children's Products of Exton, Pa., a division of Newell Rubbermaid Inc., launched a series of \$70 booster seats with gender-specific patterns – Disney Princess cartoons for girls and Toy Story characters for boys.

And some companies are gearing up to meet demand for the booster seats in states with new laws. "It's been a frenzy. There's none in stock anywhere" in North Carolina, where a law went into effect this month, says Joyce Kara, product manager for Britax Child Safety Inc., a Charlotte, N.C., unit of a U.K.-based company.

Several companies also make backless booster seats, which some kids prefer. From outside the vehicle, it looks like they are riding in a regular seat – a key feature for an 8-year-old arriving at soccer practice. These seats can be purchased for as low as \$20, but should be used only in cars with high seat backs and headrests and only if the strap lies correctly across the shoulder.

Safe Traffic System Inc. in Lincolnwood, Ill., makes a \$130 vest, styled like a robot or space costume, that uses a series of clips to position the seat belt appropriately. The RideSafer Travel Vest is designed to distribute crash force over a wider area of the body, decreasing potential injuries.

The first law on booster seats was enacted in 2000 in Washington state, according to Advocates for Highway and Auto Safety, a Washington, D.C.-based nonprofit. That law, which went into effect in 2002, was spurred by the death in 1996 of 4-year-old Anton Skeen, who was riding in an SUV and strapped in with just an adult seat belt. Also in 2002, Congress passed "Anton's Law," which required NHTSA to raise standards for booster seats and car restraint systems.

But only the laws in eight states and the District of Columbia cover children all the way to age 8, according to Advocates for Highway Safety. In 20 other states, the laws cover children only up to age 5, 6 or 7. NHTSA's recommendation, updated in 2002, specifies that children should be in booster seats "until they are at least 8 years old, unless they are 4' 9" tall." NHTSA emphasizes height rather than weight, the agency says, because it is a better guide to how children will fit in a seat belt.

Enforcement also varies. In some states, drivers can be stopped and ticketed if a child is riding without the proper restraint. In other states, drivers are ticketed only if stopped for another violation. (At about \$10 to \$25, penalties are usually modest.)

In North Carolina, the law that took effect this month requires children to ride in booster seats until they are 8 years old or 80 pounds. Sgt. Everett Clendenin, of the North Carolina highway patrol, says he can stop a driver if he sees a child who isn't properly restrained, or, for example, during a license check. But, he says, "What we do is take the parents' word" for it that a kid is big enough to be out of a booster seat. "Obviously we don't carry scales with us."

If a booster seat is used properly, the lap belt should rest below the child's hip bones, touch the thighs, and be snug. The shoulder belt should cross the center of the child's shoulder and not cut across the neck. To find NHTSA-certified technicians who can help install seats, parents can go to [www.nhtsa.dot.gov/CPS/CPSFitting/Index.cfm](http://www.nhtsa.dot.gov/CPS/CPSFitting/Index.cfm). For a list of booster-seat laws by state go to [saferoads.org/issues/BoosterSeatLawChart.pdf](http://saferoads.org/issues/BoosterSeatLawChart.pdf).

Parents do a pretty good job putting infants and toddlers in the right seats. In a study of crashes in 2003 involving children, Partners for Passenger Safety found that child restraints had been used for 100% of children younger than 1 and 96% of 3-year-olds, compared with 59% of 5-year-olds, 14% of 7-year-olds and 9% of 8-year-olds.

Those figures showed increased use of child restraints over a study in 1999.

Written Testimony

Representing: The ND American Academy of Pediatrics  
and the children of our great state.

Support of Senate Bill 2208

The issue of Safety for children is not in the hands of children, it's in the hands of their parents. And the reality is many parents do not know what is best for childhood safety. However, most parents do know what the law says and that impacts their behavior. Accidents are the number one killer of children in the United States and in North Dakota.

Seat belts are inappropriate for children ages 4 to 7 years old, simply because they do not fit their bodies. In a crash, young children can slide underneath the seat belt and may bend forward, hitting their head onto their knees or the inside of the vehicle. A seat belt itself can cut into their abdomen and spinal cord. Booster seats position the seat belt so it rests in the appropriate position. In a booster seat children are 3.5 times less likely to suffer major injury.

Parents want what is safe and best for their children. By making this bill a law it will not only save lives and reduce injury, it will reassure our North Dakota parents that we are looking out for them

Sincerely,



Todd Twogood MD  
President Elect NDAAP

I hope to compel support for Senate Bill No. 2208 by telling a story that happened to my family on November 1<sup>st</sup>, 2003. This story has a happy ending.

There were five people in our Ford Excursion when we drove North on Interstate 29, my wife Twylah, nephew Nathan, and my two young boys, Jake and Josh (then ages 7 and 4). I drove with Nathan riding in the passenger seat. Twylah and the boys rode in back. The sun had just set with a light mist coming down. Traffic was moving along at normal speeds when I saw the taillights of another vehicle far ahead swerve back and forth. I took my foot off the accelerator to slow down and the rear end of our vehicle slid free on black ice, sending us across the open median and into oncoming traffic.

I managed to keep the vehicle pointed nearly in the direction of movement as we slid across the first southbound lane in front of a semi truck and trailer, but then struck a Chevy Suburban with four adults and two children (boy 8 and girl 6) almost straight head-on. The Suburban stopped at the point of impact while our Excursion rolled into the ditch outside of the southbound lane, resting on the passenger side.

Being limited to one page, I am unable to describe the dread and frustration I felt hearing my family crying and moaning in pain and fear while I tried to climb out my shattered driver's side window. My son Jake was a true leader, telling me the back of my head was cut and to put pressure on it. He reassured Josh by telling him that he wasn't hurt and it would be ok. Jake was also the one who released Twylah's lap belt that had locked in place.

There were a total of eleven people involved in the accident, all of us wearing safety belts. My neck was broken. Nathan's femur shattered from the engine pushing through the firewall. Twylah and all the occupants of the Suburban suffered internal injuries caused by the safety belts themselves. Jake walked away with no wounds and Josh had bitten his tongue.

Jake and Josh were using child restraint systems appropriate for their age and size, a booster seat and a five point harness. There is no doubt that seatbelts saved everyone's lives, but the boy and girl in the Suburban wore the standard restraints designed for adults, and they received the same internal injuries as adults.

HP Officer Buzick managed the accident scene and later told us he had never been to an accident that destructive and not found a death. He nominated our family for North Dakota's "Saved by the Belt" award and coordinated to give the certificate and Safety Bear to Jake and Josh during school classes to talk to other children about buckling up. When Officer Buzick asked, every child in Josh's class still used a child restraint system, but only a few said yes in Jake's classroom.

I recognize that education has a stronger effect than legislation when changing the behavior of the public. Officer Buzick's interaction with the classes was important, but he didn't get to talk to the parents. You are the community leaders and representatives. Please take action and tell the parents this is important for them and their children by passing this bill.

This experience has changed our family from just using child safety restraints to being advocates. Our story had a happy ending, especially with Jake and Josh injury free. Please support and encourage the passing of Senate Bill No. 2208. Don't wait to hear a sad ending and wonder if something more could have been done.

#1

**SB 2208**  
**HOUSE TRANSPORTATION**  
**CHAIRMAN ROBIN WEISZ**  
**March 17, 2005**

Good morning Chairman and members of the House Committee on Transportation.

For the record I am Sen. Duaine Espegard and I represent District 43 in Grand Forks.

I am here today to ask for your support for SB 2208.

SB 2208 is a bill that deals with our most precious assets, Our Children, and the safety of our Children.

There will be a great deal of testimony by those persons who have the information on the reasons for this legislation as well as some statistics in regard to the need, but I will discuss the bill and what the bill does.

First it further defines what a "Child Restraint System" is. It clearly defines what a child seat is and includes a belt-positioning booster seat.

It imposes a fine of \$25.00 for violation of this section 39-21-41.2

It further says that a child must be in a child restraint system until the age of 7. This is a change, in that the current law states that a child must be in a child restraint until the age of 4. You will hear testimony that a child under the age of four years old can be very small and not fit in a seat belt and thus the additional years.

It also says that if a child is over 40 pounds he/she may be restrained by a lap belt if the lap and shoulder belts are used by others in the car.

The bill also states that the only reason a child does not have to use a child restraint system is if they are being transported in an emergency. This is a change from the previous law that said that children did not have to be restrained if the other seat belts were used by other family members.

Chairman that concludes my testimony and I would be happy to answer any questions but there are others hear that will provide information in regard to this legislation that will help keep our children safer. I respectfully ask for your support for SB 2208.

Thank you.

Sen. Duaine Espegard

Duaine Espegard



**Testimony****Senate Bill 2208****House Transportation Committee****Thursday - March 17, 2005****SAFE KIDS Grand Forks**

Mr. Chairman, members of the Committee, my name is Carma Hanson. I am an Intensive Care Nursery/Pediatric Nurse and the Coordinator of SAFE KIDS Grand Forks. Our childhood injury prevention coalition is a community-wide group with Altru Health System as the lead agency. I also serve as a certified child passenger safety technician and coordinate all the child passenger safety activities in the Grand Forks community. I am here to testify in support of Senate Bill 2208.

Motor vehicle crashes are the leading cause of death and injury to children under age 14. As a nurse, I see far too often the damaging effects that using an adult seat belt for a young child can have. Recently Altru Health System admitted a 5 ½ year old that suffered severe abdominal trauma from using an adult seat belt when in a crash. When we visited with her father about using the seat belt, he stated that "since the law says they can use a seat belt at age 4, he thought she was safe". This is a common misconception of parents with children of this age; "the law says age 4 so they must be safe".

When the current child passenger safety law was put into effect in the early 80's, it was effective and fairly current with standards of that day. Today, we have much better and more cost effective car and booster seat options available to parents that were not available in the early 80's. The current law needs to be updated to better protect the children of our state.

Over the past several years, over half of the states in the nation (27) have updated their laws to require booster seats in children ages 4-8. This year alone, there are another 24 states that are introducing legislation similar to what we are proposing.

Government's role should be in advocating and watching out for those citizens that cannot do so themselves; children would certainly fit into that category. We sometimes need to legislate activities which will keep children safe and updating the law would provide parents with more accurate information on what is best and safest for their children.

In 2001, the National SAFE KIDS Campaign conducted a study on every state's child passenger safety laws. At that time, the report revealed startling

deficiencies in the laws around our country. As I indicated, since that time, 27 states have updated their laws and 24 more are proposing legislation to do so. In the study, North Dakota's CPS law scored a D. Not only did we score low for not requiring older children (age 4-8) to ride in a booster seat, but we did not have a monetary penalty. Currently, there is only one point taken from your driver's license if you are not in compliance with the law. SB 2208 would add a \$25 fine for violation of this law.

In the state of North Dakota, a hunter shooting a deer out-of-season is subject to a \$500 fine, 3 months in jail and confiscation of their vehicle, guns and license. It would only seem rational that a \$25 fine for not protecting our precious children of the state would be reasonable and not too extensive.

Strong child passenger safety laws are an effective catalyst for changing behavior. Past studies of specific child occupant protection laws demonstrate that they have increased restraint use by as much as 35% and reduced fatalities by 25 - 60%. The children of our state deserve that added protection and their parents need a law providing them with accurate and safe information. It is with great hope that you will support Senate Bill 2208 in an effort to achieve that mission. SAFE KIDS Grand Forks and Altru Health System thank you for your support of Senate Bill 2208.

I hope to compel support for this by telling a story that happened to my family on November 1<sup>st</sup>, 2003. This story has a happy ending.

There were five people in our Ford Excursion when we drove North on Interstate 29, my wife Twylah, nephew Nathan, and my two young boys, Jake and Josh (then ages 7 and 4). I drove with Nathan riding in the passenger seat. Twylah rode wearing a lap belt between the boys in the second row of seats. The sun had just set with a light mist coming down and traffic moved along at normal speeds when I saw the taillights of another vehicle far ahead swerve back and forth. I took my foot off the accelerator to slow down and the rear end of our vehicle slid free on black ice, sending us across the open median and into oncoming traffic.

I managed to keep the vehicle pointed nearly in the direction of movement as we slid across the first southbound lane in front of a semi truck and trailer, but then struck a Chevy Suburban with four adults and two children (boy 8 and girl 6) almost straight head-on. The Suburban stopped at the point of impact while our Excursion rolled into the ditch outside of the southbound lane, resting on the passenger side.

Being limited to one page, I am unable to describe the dread and frustration I felt hearing my family crying and moaning while I tried to climb out my shattered driver's side window. My son Jake was a true leader, telling me the back of my head was cut and to put pressure on it to stop the bleeding. He reassured Josh by telling him that he wasn't hurt and would be ok. Jake was also the one who released Twylah's lap belt that had locked in place.

There were a total of eleven people involved in the accident, all of us wearing safety belts. My neck was broken. Nathan's femur shattered from the engine pushing through the firewall. Twylah and all the occupants of the Suburban suffered internal injuries caused by the safety belts themselves. Jake walked away with no wounds and Josh had bitten his tongue.

Jake and Josh were using child restraint systems appropriate for their age and size, a booster seat and a five point harness respectively. There is no doubt that seatbelts saved everyone's lives, but the boy and girl in the Suburban wore the standard restraints designed for adults, and they received the same internal injuries as adults, the girl losing a kidney.

HP Officer Buzick managed the accident scene and later told us he had never been to an accident that destructive and not found a death. He nominated our family for North Dakota's "Saved by the Belt" award and coordinated to give the certificate and Safety Bear to Jake and Josh during school classes to talk to other children about buckling up. When Officer Buzick asked them, every child in Josh's class still used a child restraint system, but only a few said yes in Jake's classroom.

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Patrick J. Ward  
State Farm  
House Transportation  
March 17, 2005

Testimony in Support of SB 2208

Chairman Weisz and Members of the House Transportation Committee. My name is Patrick Ward. I am an attorney with the Bismarck law firm of Zuger Kirmis & Smith. I represent State Farm Insurance Companies in support of SB 2208.

We specifically support that portion of the bill which relates to child restraint devices, section 6, especially that part of the bill which raises the age in which a child must be in a child restraint system from 4 to 7 years of age.

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Booster seats properly position the seatbelt to fit tight across the hips and the chest, rather than across the abdomen and neck. Harness systems for larger children are acceptable also. I have a video for the committee that demonstrates this issue.

Currently the use of safety restraints appropriate to size is low among 4 to 7 year olds. One reason for low usage is lack of awareness of how important this issue is to child safety. Booster seat laws like this one address this lack of knowledge by educating parents and caregivers about the safety need for booster seats. In all cases, children under 12 should be in the back seat whenever possible.

State Farm has a strong commitment to safety. We urge a Do Pass on SB 2208.

Mr. Chairman, members of the Committee, my name is Dawn Mayer and this is my son Benjamin Mayer. I am a mother of two young boys. I also need to tell you that I work for the Dept. of Health with Carol in the Injury Prevention program and am visiting you while I am on vacation right now.

I am here to tell you, as a mother, why I'm in favor of bill 2208.

My little Ben here, who weighs 35 pounds, can ride in just a seat belt by the current child passenger safety law because he is 4 years old. I of course, don't put him in just a seat belt, he can still ride in his car seat with a harness system until he is 40 pounds and that is the safest option for him.

He is not the only 4 year old in this state under 40 pounds. Right now, the child passenger safety law pushes children such as Ben, out of a safe car seat and into just a seat belt. Changing this law would help keep my son and his friends safer.

Not only would it keep our children safer, it would give us an excuse for others to transport our children safer too. For example, aunts/uncles, Grandparents, and childcare providers would get to comply with the law as well.

For some reason, people resort to the law when transporting children. That's a good thing. Just think if our law was "the safest practice", that would make our children that much safer.

Now, you have met my Ben and hopefully have an understanding of the safety issues I'm concerned with in his age group.

My other child, Lucas, is 5 years old, just 6 months older than Ben. By law, he also can ride in just a seat belt.

Lucas, unlike his brother is my little giant. He is very tall for his age. But even though he is tall for his age, the seat belt does not fit him correctly. I know he is not alone. Of course, because I'm a safety advocate, he does sit in a booster seat to help his seat belt fit properly.

Car-pooling is a nightmare for me and for others who follow the safe practices of using a booster seat. Some parents have decided to drop the issue of getting their children to use booster seats when car-pooling because it is such a hassle. I don't blame them. I, however try to keep my son in his booster seat all of the time. Issues that we run into include, childcare transportation, field trip transportation, parent and peer pressure. Booster seats should be the norm, not a bother.

Again, I hope you pass this bill for two reasons:

1. To keep our children from graduating too early to into seat belts.

AND

2. To graduate children from car seats into booster seats, instead of just a seat belt.

Thank you.

# Most Kids Ages 4-8 Are Riding at Risk.



**Could Yours  
Be One of Them?**

## Kids should be in booster seats if:

- they weigh more than about 40 pounds
- the adult seat belts don't fit correctly

Booster seats must be used with lap and shoulder belts. Booster seats raise the child up and help the safety belts fit correctly.

Snug across  
the chest and  
collarbone, not  
across the neck  
and face.

Snug over the  
strong hips and  
upper thighs,  
not riding  
up on the  
abdomen.

Allowing the  
knees to bend  
naturally,  
sitting all the  
way back and  
not slouching.

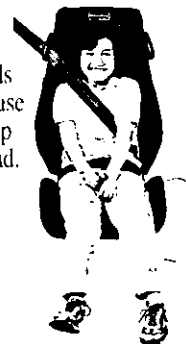
Without booster seats, kids can be uncomfortable and unprotected in an improperly fitting safety belt.

Don't let kids put shoulder belts under their arms or behind their backs. Kids who misuse belts this way are not protected in a crash.

## There are two types of car booster seats.

### High back booster seats.

If your car's seat back ends up lower than your child's ears, use this high back booster seat to help protect your child's neck and head.



### Backless booster seat.

If your car's seat back is higher than your child's ears, you can use a backless booster seat.

If your child weighs more than 40 pounds and you only have lap belts in your back seat, you may:

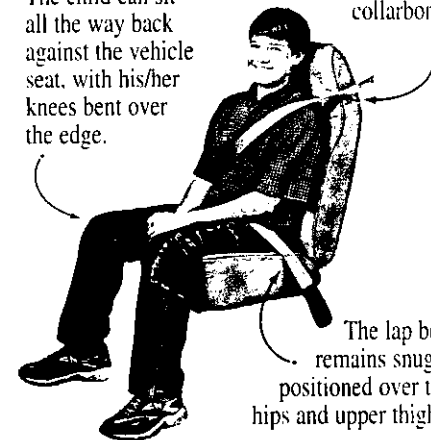
- Obtain a child safety seat that is specifically designed to be installed with only a lap belt.
- Contact your auto manufacturer about whether shoulder belts can be installed in your back seat.
- Correctly restrain your child in the front seat, using a booster seat and the lap and shoulder belts. Move the vehicle seat as far back as possible.

## Children may be ready for the adult safety belt when they are around 8 years old.

The safety belt fits a child correctly when:

The shoulder belt  
remains snugly  
positioned across  
the chest and  
collarbone.

The child can sit  
all the way back  
against the vehicle  
seat, with his/her  
knees bent over  
the edge.



The lap belt  
remains snugly  
positioned over the  
hips and upper thighs.

**For more information, visit [www.safekids.org](http://www.safekids.org)  
or call the Auto Safety Hotline at  
1-888-DASH-2-DOT.**



National SAFE KIDS Campaign  
1301 Pennsylvania Avenue, NW  
Suite 1000  
Washington, DC 20004-1707



[www.safekids.org](http://www.safekids.org)

3/02 No. 3210

# Car Booster Seats Can Protect Kids From Severe Spinal Cord Injuries, Abdominal Injuries and Ejection in a Crash.



Proud Program Partners



[www.safekids.org](http://www.safekids.org)

Updated  
March 2002



# La Mayoría de los Niños entre 4 y 8 años que Viaja en un Vehículo Está en Peligro.



¿Podría ser el suyo uno de ellos?

## Los niños deben estar en un booster:

- si pesan más de 40 libras
- si los cinturones del auto no les quedan bien

El booster se usa solamente con un cinturón de seguridad que cruce del por el centro del hombro hacia la cadera y sobre los muslos. El booster levanta al niño para que el cinturón de seguridad se ajuste correctamente.

El cinturón debe cruzar por el centro del hombro y el pecho de la niña, en lugar de cruzar por el cuello y la cara.

El cinturón va sobre las caderas y los muslos, no sobre la barriga.

Las rodillas deben doblarse naturalmente. La espalda debe mantenerse apoyada contra el respaldo del asiento.

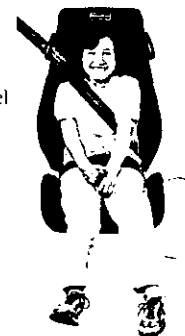
El niño que no viaja en un booster va a sentirse incómodo con el cinturón de seguridad que está diseñado para adultos y además estará desprotegido, debido a que el cinturón de seguridad no estará correctamente ajustado.

No permita que los niños se pasen el cinturón debajo del brazo o detrás de la espalda porque no estarán protegidos en caso de un choque.



## Elija entre dos tipos de asientos booster...

**Booster con respaldo alto.**  
Si el respaldo del asiento no llega al nivel de las orejas de su niña, use este tipo de booster.



**Booster sin respaldo.**  
Si el asiento de su auto es más alto que el nivel de las orejas de su niña, usted puede usar este tipo de booster.

Si su niño pesa más de 40 libras y usted solamente tiene cinturones de cadera en su asiento trasero:

- Obtenga un asiento de seguridad para niños, con correas internas, que esté diseñado para niños que pesan más de 40 libras.
- Comuníquese con la empresa fabricante de su vehículo para averiguar si le pueden instalar cinturones de seguridad actualizados.
- Otra opción es que el niño viaje en el asiento de adelante en un booster, siempre que se mantenga correctamente amarrado. El asiento debe correrse hacia atrás, lo más lejos posible del tablero y la bolsa de aire.

## Los niños podrían estar listos para usar el cinturón de seguridad de adultos, sin booster, cuando tienen alrededor de ocho años.

Los niños están correctamente amarrados en un cinturón de adulto cuando:

El cinturón se mantiene sobre el pecho y el centro del hombro.

La espalda del niño se recuesta contra el respaldo del asiento mientras sus rodillas se doblan en el borde del asiento.

El cinturón permanece posicionado sobre las caderas y muslos.



Para más información, visite [www.safekids.org](http://www.safekids.org) o llame a la Línea Directa de Seguridad para Autos al 1-888-DASH-2-DOT.



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[www.safekids.org](http://www.safekids.org)



SAFE KIDS BUCKLEUP  
Proud Program Partners  
3/02 No. 4210



[www.safekids.org](http://www.safekids.org)

Los boosters pueden proteger a los niños de severas lesiones en la columna vertebral, así como de lesiones abdominales y de la posibilidad de que salgan expulsados violentamente del automóvil.

## Do's and Don'ts to Remember:

- **Do** restrain your child appropriately for his or her age, weight and height.
- **Don't** put your child in the front seat. Children 12 and under should sit in the back seat, appropriately restrained.
- **Don't** place a child in front of an airbag because they are made to protect adults, not children. Children 12 and under should ride in the back seat, away from air bags.
- **Do** follow directions that come with the child safety seat, as well as the child passenger restraint directions in your vehicle's owner's manual.



State Farm's commitment to child passenger safety is evident by our ongoing collaboration with The Children's Hospital of Philadelphia. This project, known as Partners For Child Passenger Safety, is the largest research study ever conducted in the United States to determine how and why children are killed and injured in motor vehicle crashes.

The Children's Hospital of Philadelphia and State Farm hope Partners For Child Passenger Safety will help influence the design of safer vehicles and restraints, encourage more effective child safety legislation and help parents choose the right safety seats for their children.



State Farm Insurance Companies  
statefarm.com

## Best Practices for Child Passenger Safety



*Dirty diapers...  
Late night feedings...  
Birthday parties...  
Soccer practices...  
Sound familiar?  
Well, so should:  
Infant car seats...  
Convertible car seats...  
Belt-positioning booster seats...  
Lap and shoulder seat belts...*

For decades, safety advocates have stressed the importance of appropriate restraints, including car seats, booster seats and seat belts. Yet motor vehicle crashes remain the leading cause of death and acquired disability in children over age 1 in the United States.

There are things you can do as a parent to make your child safer while riding in a vehicle. When used correctly, child passenger restraints effectively prevent fatalities and serious injuries.



*Until at least 20 pounds  
(9 kilograms)  
AND 1 year old*



- Use a rear-facing infant seat or rear-facing convertible seat.
- Put the car seat carrying handle down on infant seats.
- Route harness straps in lower slots, at or below shoulder level.
- Fasten harness clip at armpit level.
- **Never** place a rear-facing infant in the front seat with an airbag.
- Keep harness straps snug.
- Install child passenger restraint at no greater than a 45-degree angle.

- Use a forward-facing car seat.
- Route harness straps in upper slots, at or above shoulder level.
- Fasten harness clip at armpit level.
- Keep harness straps snug.



*20 to 40 pounds  
(9 to 18 kilograms)  
and more than  
1 year old*

*40 to 80 pounds  
(18 to 36 kilograms)  
and less than 4 feet  
9 inches (145  
centimeters) tall*



- Use a forward-facing, belt-positioning booster seat with lap and shoulder seat belt.
- Place shoulder strap over the shoulder and snug across the chest.
- Place lap belt low and tight on hips, **NOT** over stomach.
- Make sure shoulder strap is **NEVER** across the neck, face or arm.

- Use a lap and shoulder seat belt.
- Shoulder belt fits over the shoulder and across the chest.
- Lap belt should fit low and tight on hips, **NOT** over stomach.
- Shoulder belt should **NEVER** be placed under arms or behind back.



*More than 80 pounds  
(36 kilograms), more  
than 4 feet 9 inches  
(145 centimeters) tall  
(once belt-positioning  
booster seat is outgrown)*