



April 2, 2024

House Committee on Transportation  
Representative Sarah Coffey, Chair  
Vermont Senate  
115 State Street  
Montpelier, VT 05633

**Re: Testimony on SB 309 An act relating to miscellaneous changes to laws related to the Department of Motor Vehicles, motor vehicles, and vessels**

Dear Chair Coffey and Members of the House Transportation Committee,

The Juvenile Products Manufacturers Association (JPMA) is a national not-for-profit trade organization representing 95% of the prenatal to preschool industry including the producers, importers, or distributors of a broad range of childcare articles that provide protection to infants and assistance to their caregivers. These products are sold globally and nationally, and consistency of safety regulations is a critical aspect of product development. Promoting baby safety is a key mission of the Association. We are the originator of Baby Safety Month, which occurs in September of each year and we are working year-round to ensure that caregivers are informed and children's safety is protected.

JPMA enthusiastically supports the intent of the child restraint portion of this bill (23 V.S.A. § 1258), but we do wish to express a need for further improvements. The current child passenger safety policy statement from the American Academy of Pediatrics (August 2018) recommends delaying transition as long as possible for each mode of restraint, based on the specific weight, height and age limits in the manufacturer instructions for the specific car seat model. The National Highway Traffic Safety Administration (NHTSA) guidance agrees with the AAP, and both groups recommend rear seat placement for children until they are at least age 13.

To encourage consistency with those recommendations, we strongly encourage the Committee to consider defining "properly secured" as "used in accordance with child restraint system manufacturer instructions, including manufacturer height and weight limits, proper attachment to the vehicle, correct securement of the child and expiration dates." Car seats are designed and tested to protect children using them as designed, intended and tested, and all of the listed factors in our suggested definition are important contributors to proper use.

Because this bill covers children under age 18 and specifies federally approved safety belts for children who exceed child restraint limits, the Committee may want to specify 49 C.F.R. § 571.208 in addition to 49 C.F.R. § 571.213. Also, to avoid confusion with side-impact airbags, you may also wish to consider changing the current "active passenger-side airbag" wording to "active passenger frontal airbag."

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We certainly support the inclusion of a public outreach campaign, requiring current and accurate education in various forms. In that section, the bill references the American Academy of Pediatrics Child Passenger Safety Policy Statement published in 2018. We urge the Committee to consider changing that to “the most current American Academy of Pediatrics Policy Statement.” The AAP intends to review that policy statement every three years, either updating or reaffirming the current statement, and we anticipate an AAP update in 2024 or 2025.

We would also like to take this opportunity to share model legislation with you that we share with legislatures nationwide on all bills of this type. To assist with the creation of additional state requirements that reflect the latest recommendations and require proper use according to manufacturer instructions, JPMA has worked with experts in the field, advocate organizations and law enforcement specialists to develop model legislative language (attached). The suggested wording delays each transition, expressly requires child restraint selection and use according to manufacturer instructions, and reduces the need for exceptions or clarifying wording. Safe Kids Worldwide and the Safe States Alliance officially endorse the language as well, and other organizations are considering participation.

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

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Joe Colella', is written over a light yellow rectangular background.

Joe Colella  
Director of Child Passenger Safety  
Juvenile Products Manufacturers Association

## **An Act relating to the use of child passenger restraint systems**

### *Definitions*

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

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

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

- (a) A child who is under the age of two years must be properly secured in a rear-facing child restraint system that is equipped with an internal harness
- (b) A child who is at least two years of age must be properly secured in a rear- or front-facing child restraint system that is equipped with an internal harness
- (c) A child who is at least four years of age must be properly secured in (i) a rear- or front-facing child restraint system that is equipped with an internal harness or (ii) a belt-positioning booster
- (d) A child who is at least 9 years of age must be properly secured in (i) a belt-positioning booster or (ii) a properly fastened and adjusted vehicle seat belt system. A

vehicle seat belt system is properly fastened and adjusted when a child is sitting all the way back against the vehicle seat back with the child's knees bending over the vehicle seat edge, the lap belt fitted snugly across the child's thighs and lower hips and not on the abdomen, and the shoulder strap snugly crossing the center of the child's chest between the neck and top of the shoulder.

(e) A child who is under the age of thirteen years (12 and under) must be properly secured in a rear seat of the vehicle, unless all manufacturer-designated rear seating positions are occupied by other children or the vehicle does not have designated forward-facing vehicle seats or rear seating positions were not equipped with seat belts or lower anchors and tethers that meet all applicable Federal Motor Vehicle Safety Standards when released for original sale.\

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