

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE
PUBLIC HEARING

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MONDAY, DECEMBER 7, 2015
12:04 P.M.

PRESENTATION ON
CHILD PASSENGER SEATS

BEFORE:

HONORABLE JOHN TAYLOR, MAJORITY CHAIRMAN
HONORABLE LYNDA SCHLEGEL CULVER
HONORABLE DOYLE HEFFLEY
HONORABLE MICHAEL REESE
HONORABLE KATHERINE WATSON
HONORABLE WILLIAM KELLER, DEMOCRATIC CHAIRMAN
HONORABLE BRYAN BARBIN
HONORABLE TIM BRIGGS
HONORABLE MARIA DONATUCCI
HONORABLE MICHAEL SCHLOSSBERG

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*Pennsylvania House of Representatives
Commonwealth of Pennsylvania*

COMMITTEE STAFF PRESENT:

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MAJORITY COUNSEL; MAJORITY EXECUTIVE DIRECTOR

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MAJORITY RESEARCH ANALYST

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ERIC NELSON

DEMOCRATIC RESEARCH ANALYST

KELLY MINITO

DEMOCRATIC LEGISLATIVE ASSISTANT

I N D E X

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SUBMITTED WRITTEN TESTIMONY

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(See submitted written testimony and handouts online.)

1 P R O C E E D I N G S

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3 MAJORITY CHAIRMAN TAYLOR: A hearing of the House
4 Transportation Committee is being conducted as a result of
5 this Committee considering House Bill 1551 by
6 Representative Schlossberg. And we're going to have
7 testimony today by Representative Schlossberg, as well as
8 PennDOT and AAA Federation. Our Chairman, Chairman Keller,
9 is on his way, but in the meantime, Representative
10 Schlossberg is not only going to serve as the boss of the
11 minority here, but also he'll be our major witness.

12 But before we do that, I'd like to introduce
13 Chairman Kathy Watson is on my far left, Representative
14 Maria Donatucci, Eric Bugaile from our Committee,
15 Representative Schlossberg will be next, but before that we
16 have Eric Nelson from our staff, and we welcome back
17 Meredith Biggica, who was away from us for a little bit
18 having her child, so congratulations, Meredith. And to
19 Meredith's right is Representative Bryan Barbin.

20 So thank you all for being here. As our audience
21 probably understands, there's a tremendous amount of items
22 going on in the Capitol today. But for us this is an
23 important issue for us to consider, child safety issues,
24 and we will consider this bill as well.

25 But we thought that it would be important to have

1 the Committee here and have testimony, have the public
2 here, some rationale behind House Bill 1551 and why child
3 safety seats and the way that Representative Schlossberg
4 wants to do it is important and get the reaction from our
5 Department of Transportation, as well as AAA.

6 We've also been joined by Representative Mike
7 Reese, and I'm sure there'll be some other Members joining
8 us throughout the hour. But I'd like to now turn it over
9 to Representative Mike Schlossberg.

10 REPRESENTATIVE SCHLOSSBERG: Thank you, Chairman
11 Taylor, and thank you to the Members and to all of you who
12 are here. And I do, to Chairman Taylor and to Chairman
13 Keller, want to express my sincere appreciation, as well as
14 the rest of the staff. One of the reasons this is
15 genuinely one of my favorite committees is because we all
16 work so well together on such an important issue. And
17 while we certainly had more fun than I think any of us ever
18 want to have again with the passage of Act 89 last session,
19 there are obviously still significant issues that remain in
20 the Pennsylvania transportation arena.

21 One of those issues, something that I discovered
22 in working with our staff here, is that of car seats.
23 Current Pennsylvania law requires that a child 4 or under
24 have a car seat or a booster, but it doesn't actually
25 specify which direction the car seat faces. This is

1 important because studies have shown that rear-facing car
2 seats for children under the age of 2 can make a dramatic
3 difference in whether or not a child survives an accident.
4 According to a 2007 study published in the medical journal
5 of *Injury Prevention*, a child under the age of 2 was 75
6 percent more likely to die or be seriously injured in a
7 forward-facing car seat.

8 Now, my legislation, House Bill 1551, would
9 require that a child under the age of 1 be in a rear-facing
10 car seat. That is in line with guidelines proposed by the
11 National Highway Traffic Safety Administration, as well as
12 the American Academy of Pediatrics.

13 One of the things I really do want to discuss,
14 however, is the practicality, legality, and logistics of
15 amending this legislation to be under the age of 2. Right
16 now, 12 States have legislation that requires that a child
17 under the age of 1 be in a rear-facing car seat. Three
18 States have legislation, including our neighbor New Jersey,
19 that requires a child under the age of 2 be in a rear-
20 facing car seat. And I really think this is something
21 that's worth discussing that I'd like to explore a little
22 bit more in the course of this hearing.

23 So with that being said, I'll turn it back over
24 to you, Chairman Taylor. Again, thank you very much.
25 Thank you to everybody for being here and I'm looking

1 forward to learning more.

2 MAJORITY CHAIRMAN TAYLOR: Thanks. We've been
3 joined by Representative Tim Briggs, Representative Lynda
4 Culver. And I would just suggest to our Members, although
5 if you have a compelling question right now for
6 Representative Schlossberg, you can ask it, but I would
7 just move forward with our testimony and then we'll have
8 some questions at the end.

9 So with that, it's wonderful that we've been
10 joined by Glenn Rowe, the Division Chief of Highway Safety
11 and Traffic operations Division; and Gavin Gray, Section
12 Chief for Highway Safety Section, both of our Pennsylvania
13 Department of Transportation.

14 Gentlemen, thank you so much for being here with
15 us today. And whoever is scheduled to go first, just
16 identify yourself for the record and you can proceed.

17 MR. ROWE: Okay. Thank you. Good afternoon. My
18 name is Glenn Rowe. I'm the Division Chief for Highway
19 Safety and Traffic Operations for the Pennsylvania
20 Department of Transportation. Gavin Gray is the Section
21 Chief for Highway Safety. He's in charge of, and lead for,
22 the Department when it comes to reducing fatalities,
23 looking at education enforcement.

24 On behalf of the Secretary Leslie Richards, I
25 appreciate the opportunity to testify today on the status

1 of child occupancy protection.

2 Reducing crashes and fatalities due to occupant
3 protection is tied to one of our vital seven safety focus
4 areas of our Strategic Highway Safety Plan, and as such,
5 the Department of Transportation dedicates funds to promote
6 education associated with occupant protection.

7 State crash data shows a 6 percent decrease in
8 unrestrained crashes and a 10 percent decrease in
9 unrestrained fatalities from 2013 to 2014. Unfortunately,
10 specific to children under the age of 2, the numbers show a
11 38 percent increase in crashes involving these children not
12 using car seats, while the number of injuries has remained
13 level during that same period of time. Fortunately, none
14 of these injuries resulted in fatalities, and according to
15 police reports, approximately 75 percent of the children
16 not in car seats appear to have been at least restrained in
17 some fashion. By way of comparison, our statewide
18 utilization rate for last year was 83 percent.

19 Currently, the American Academy of Pediatrics has
20 determined that the best practice is to have children
21 remain rear-facing until age 2. Additionally, the National
22 Highway Traffic Safety Administration recommends children
23 keep rear-facing until the child reaches the top height or
24 weight limit allowed by the restraint's manufacturer,
25 typically between the ages of 1 and 3.

1 A combination of these best practices, for
2 example, requires rear-facing up to the age of 2 or until
3 the child outgrows the maximum weight and height limit
4 allowed by the manufacturer. This would provide the most
5 comprehensive guidance to the parents.

6 Statistics have shown that children in the second
7 year of life are five times less likely to die or be
8 seriously injured if restrained rear-facing compared to
9 forward-facing. Our local safety partners and community
10 outreach groups are encouraged to use the resources and
11 public awareness materials from our website such as
12 JustDrivePA.org.

13 As part of these outreach efforts, a national
14 media campaign also occurs each year during Child Passenger
15 Safety Week in September. During this year's campaign, 84
16 child safety seat events were conducted by the Pennsylvania
17 State Police and other safety partners. A total of 933 car
18 seats were checked during this time. It is hoped that our
19 outreach programs supported by the media campaign will
20 result in a reduction in crashes and fatalities on our
21 roadways due to occupant protection.

22 We'd like to thank you for your continued
23 interest in this topic, as well as other safety issues that
24 the Department faces. Our only suggestion would be to
25 modify the bill to align with the combination of best

1 practices for age, height, and weight. And we think this
2 would strengthen the language and help eliminate confusion
3 that parents may perceive based on national and State
4 guidance.

5 At this time, I'm available for any questions you
6 may have. Thank you for giving me this opportunity.

7 MAJORITY CHAIRMAN TAYLOR: And is Gavin going to
8 testify or Gavin is here for support or --

9 MR. ROWE: Gavin's here for the technical
10 support.

11 MAJORITY CHAIRMAN TAYLOR: Okay. And, yes, I
12 would just like to ask, on the maximum weight and height, I
13 guess, guidelines for these seats, I mean, from a
14 legislative point of view, if we try to put that in the
15 statute, I mean, how easy is that to comply with if you are
16 a Pennsylvania motorist in terms of the availability of
17 that information? Is that like boldly put on every seat
18 or --

19 MR. ROWE: Most of them --

20 MAJORITY CHAIRMAN TAYLOR: -- how hard would that
21 be for us to do?

22 MR. ROWE: Yes, most of the seats are labeled on
23 the seats, but they're also in directions, the manuals with
24 each of the seats.

25 MAJORITY CHAIRMAN TAYLOR: Representative, do you

1 have something?

2 REPRESENTATIVE SCHLOSSBERG: I do. Thank you,
3 Chairman.

4 Can you construct the legislation so that the
5 child is mandated to be in rear-facing until the age of 2
6 or when they reach their maximum weight/height
7 restrictions? I know Representative Reese and I were once
8 having a conversation about what happens if you do have a
9 very large child and they can't fit in there? Can you
10 write the legislation that way?

11 MR. ROWE: Gavin, you want this one?

12 MR. GRAY: Yes. Currently, in looking at the
13 vendors having my staff reach out to grantees that we have
14 that support these types of efforts, I had them do some
15 research on nationally the manufacturers' requirements.
16 And there are quite a substantial number of manufacturers
17 that make these types of car seats that would be both rear-
18 facing and then convertible into frontwards-facing. And
19 those would be the ones that, for this age group and
20 demographic, that that would apply to.

21 Being that there's probably in the neighborhood
22 of 50 different vendors, I don't know, unless you used
23 general terms of --

24 REPRESENTATIVE SCHLOSSBERG: Yes, and I have a 3-
25 and a 4-1/2-year-old. You should see my car seats in my

1 car. I've become a pro at installing them. They're the
2 most annoying things in the world. But they do have, as
3 you said, the labels are clearly affixed to the car seats.
4 They're in the instruction manuals. Could you make a
5 reference to instruction manuals in the legislation? How
6 could -- could you do it?

7 MR. GRAY: Yes, a lot of the actual car seats now
8 have actually labels on them referencing those weight and
9 height restrictions, as well to the instruction manuals
10 that Glenn referenced. So that would probably be the
11 easiest way --

12 REPRESENTATIVE SCHLOSSBERG: Okay.

13 MR. GRAY: -- to capture the broadness of the
14 number of manufacturers that make these types of devices.

15 REPRESENTATIVE SCHLOSSBERG: Okay. Great. Thank
16 you. Thank you, Chairman.

17 MAJORITY CHAIRMAN TAYLOR: Representative Watson.

18 REPRESENTATIVE WATSON: Thank you, Mr. Chairman.
19 Gentlemen, thank you for being here.

20 I have some experience in this issue from when I
21 first got here, and indeed did the booster seat, worked on
22 that with the law. I have two questions. The first is
23 more technical, and you were referencing it, and that is
24 what do we do with the child who perhaps weight limit
25 doesn't go over but is physically -- tall parents, tall

1 child? In other words, when you look at the dynamics of
2 that and the mechanics of the rear-facing, there's a point
3 at which they outgrow because their legs are too long. So
4 I'm not sure how we do that. I mean there would be
5 something, when I think of that, that a parent would choose
6 to do it, not great, but literally the child, it doesn't
7 work not in terms of weight but certainly in terms of
8 height. And to make it specific, I don't see us doing it.
9 Am I correct in that? Do most manufacturers do weight and
10 height? It used to be they just did the weight.

11 MR. GRAY: Yes, from the research that I've done,
12 most of the manufacturers now list both. And in preparing
13 for that question, looking at the CDC guidance on looking
14 at height and weight for both boys and girls, looking at
15 that, typically the boys are reaching that length issue
16 sooner than girls. Typically, for most of the
17 manufacturers out there, recommendations for the rear-
18 facing using the 95 percentile for height and weight, that
19 would get them up to approximately 20 months for most of
20 the manufacturers. So that's why we would say that it
21 would probably have to be some combination of the 2 years
22 and also the height and weight.

23 REPRESENTATIVE WATSON: Okay. And my second
24 question, looking at your testimony, the second paragraph,
25 Mr. Rowe, when you talk about 38 percent increase in

1 crashes involving children not using car seats. Now,
2 again, as I said, I've been involved since I got here in
3 2001, and I did the Highway Safety Program and developed
4 that for Bucks. So it's one of the avocations. I still
5 look at all of that information. That's significant
6 because we had a long time where indeed everybody was doing
7 what they should, putting their child in the car seat, and,
8 quite frankly, American Academy of Pediatrics had a
9 different rule, too, as to what they recommended, so some
10 of that has changed over the 15 years.

11 But what do you attribute to where we are falling
12 down? We certainly do more car seat checks. We have lots
13 more in the way -- we even have Child Passenger Safety
14 Week, which didn't exist when I started, and all those
15 things. So it's disturbing to see that we have children
16 not being properly restrained on the incline.

17 Now, later you say well, they had some kind of
18 restraint, so I guess I'm asking a dual question. What's
19 going on with them not being restrained? And what are they
20 using in place of car seats because I'm getting to,
21 certainly, are these folks of an economic status that they
22 simply couldn't afford a car seat and do without? Because
23 we've done programs for that. Thank you.

24 MR. ROWE: Well, first, I want to thank you for
25 some of your initiatives in moving the car seat, seatbelt

1 safety along.

2 The 38 percent, it does show that they were using
3 some type of safety, so whether they were actually
4 compliant with the law is really probably the issue. And,
5 you know, we spend about a quarter-million dollars a year
6 on education and outreach, and we think that's really a
7 significant part of it, making sure people understand the
8 laws.

9 I don't know if we have any data that shows as
10 far as, you know, the income level whether they can afford
11 the seats or not. Gavin, have you seen anything on that
12 particular issue?

13 MR. GRAY: I think just from talking to our staff
14 that does support the seatbelt checks, it's not as clearly
15 defined from a data perspective, as Glenn was alluding to.
16 The cost range for these types of devices range -- of the
17 50 different manufacturers, there's approximately anywhere
18 from seats that are ranging from \$40 up to \$400. So
19 there's a lot of disparity in the pricing and the features
20 associated with them.

21 But I think from our interviews with folks,
22 parents are confused with what the actual requirements are.
23 You know, speaking personally for, you know, having two
24 children myself, before I had this position, it was
25 difficult to find where that guidance is. So that's why we

1 put as much of an emphasis on the educational component as
2 possible to make sure that parents are informed as
3 regulation changes occur and what is really required of the
4 parents so --

5 REPRESENTATIVE WATSON: And I would add
6 grandparents, too, that need to know that because, quite
7 frankly, we've found certainly where I'm from that many
8 grandparents are tasked with watching their grandchildren
9 preschool and, same thing, they need to understand how laws
10 have changed and do that. In fact, at a senior expo that I
11 do, we actually have demonstrations because it's tough for
12 anybody to install that car seat, Representative
13 Schlossberg. It doesn't matter. It's just bad stuff.

14 REPRESENTATIVE SCHLOSSBERG: I'm in shape and
15 that is the worst thing to do.

16 MR. ROWE: Yes.

17 REPRESENTATIVE WATSON: It is. Absolutely, it
18 is. And you're so panic-stricken that if you don't get it
19 tight enough, something will happen, so yes. But I would
20 be concerned when I see a rise and an increase that somehow
21 the money that we are spending and what we thought was
22 doing a good job, it would be good to find out why and
23 what's really going on, like what do we have to modify, do
24 differently to protect children because if it's on the
25 increase, even if the law changes and it's up to 2 and you

1 think, well, that's a better safety feature, we've learned
2 that now, it looks like a lot of people don't pay
3 attention. So we need to find out why not and how do we
4 fix that. That ultimately makes children safer. Thank
5 you.

6 MAJORITY CHAIRMAN TAYLOR: I'm going to go to
7 Representative Barbin in a second, but in the meantime,
8 could Ted Leonard from AAA Federation, could you just come
9 to the table and join us? I'm going to ask Gavin and Glenn
10 if they could stay in place as well. And then we're going
11 to have Bryan ask a question and then we'll go to your
12 testimony, okay, Ted?

13 But before Bryan, I'd like to recognize that
14 Chairman Keller has joined us. Bill, welcome.

15 Representative Barbin?

16 REPRESENTATIVE BARBIN: Mr. Chairman, if it's
17 okay with you, I'm going to wait until Mr. Leonard
18 testifies because my question was on his testimony.

19 MAJORITY CHAIRMAN TAYLOR: Great. So just to go
20 back, from the Pennsylvania AAA Federation, Ted Leonard is
21 our Executive Director, is someone that appears in front of
22 this Committee on a semi-regular basis on a variety of
23 issues and interested in hearing your perspective on this
24 legislation.

25 MR. LEONARD: Thank you.

1 MAJORITY CHAIRMAN TAYLOR: Ted?

2 MR. LEONARD: Good afternoon, Chairmen and
3 Members of the House Transportation Committee, and thank
4 you for this opportunity to present our views and
5 information on the issue of child passenger safety.

6 My name is Ted Leonard. I'm the Executive
7 Director of the Pennsylvania AAA Federation, which is the
8 State association of the AAA clubs in Pennsylvania,
9 encompassing over 3.1 million member-motorists.

10 We strongly support Representative Schlossberg's
11 House Bill 1551 with an amendment to require all infants
12 and toddlers to ride in a rear-facing safety seat until
13 they are 2 years of age. They should continue to ride in
14 rear-facing seats until they reach the highest weight or
15 height recommended by the manufacturer of the seat

16 Although child passenger safety has dramatically
17 evolved over the past decade, motor vehicle crashes
18 continue to be the leading cause of death of children 4
19 years and older. Quoting Dr. Ben Hoffman of the American
20 Academy of Pediatrics, "a 10-pound bowling ball dropped out
21 of a third-story window would result in the force of 330
22 pounds of inertia. A car traveling at 30 miles an hour
23 hitting a tree, a 10-pound child would develop 450 pounds
24 of inertia."

25 The Academy, in a policy update published in

1 *Pediatrics* in April if 2011, advised parents to keep their
2 toddlers in rear-facing cars seats until the age of 2, or
3 until they reached the maximum height and weight for their
4 seat. It also advises that most children will need to ride
5 in belt-positioning booster seats until they have reached
6 4'9" tall and are between 8 and 12 years of age.

7 The previous policy from 2002 advised that it is
8 safest for toddlers and infants to ride in rear-facing
9 seats up to the limits of the car seat, but it also cited
10 age 12 months and 20 pounds as a minimum. As a result,
11 many parents turned the seat to face the front of the car
12 when their child turned age 1. Dr. Dennis Durbin, lead
13 author of the academy technical report, stated, "A rear-
14 facing child safety seat does a better job of supporting
15 the head, neck, and spine of infants and toddlers in a
16 crash because it distributes the force over the entire
17 body." Children aged 1 to 2 years riding in rear-facing
18 seats have a 532 percent decreased risk of injury.

19 I saw last week a State Police report on the
20 recent holiday weekend crashes and fatalities, and the
21 report noted that 318 motorists were cited for not securing
22 children in child safety seats. Considering the likely
23 sample size, this is a rather startling high number.

24 While parents would not consciously endanger
25 their child passengers, they may not be aware of the best

1 way to keep them safe. Laws influence parents and increase
2 public awareness. Oklahoma and New Jersey have both
3 enacted laws this year to codify the rear-facing seat
4 recommendation. And we urge Pennsylvania lawmakers to
5 utilize the child passenger safety research by the American
6 Academy of Pediatrics, NHTSA, and the NTSB and others to
7 increase motor vehicle safety for our youngest of
8 passengers. We respectfully request that you amend House
9 Bill 1551 with a 2-year requirement and pass the bill.

10 Thank you.

11 MAJORITY CHAIRMAN TAYLOR: Thank you, Ted.

12 Eric just mentioned to me that the staff feels
13 that the State Police, if you take a car seat to them, they
14 will instruct you how to install.

15 MR. LEONARD: That's correct.

16 MAJORITY CHAIRMAN TAYLOR: Do you agree with
17 that?

18 MR. LEONARD: Yes.

19 MAJORITY CHAIRMAN TAYLOR: That'd be a pretty
20 interesting fact, too, to try to get out there.

21 MR. LEONARD: AAA also and I know other -- I
22 think Safe Kids and some of the other organizations have
23 trained technicians to instruct parents on how to safely
24 and correctly install safety seats.

25 MAJORITY CHAIRMAN TAYLOR: So having heard that,

1 and of course it's been a long time since I've had to deal
2 with child seats in a car, but is it that complicated that
3 you would want to leave them in permanently or is it easy
4 enough to take the child out of the car in this seat, use
5 it as a seat inside a house, bring it back in and out. I
6 mean if you need the State Police to tell you how to do it
7 and you're expressing some concern that -- is it something
8 that once it's put in it should stay in? Or how hard is
9 it? Give me some folks that are dealing with young
10 children here.

11 MR. GRAY: I can say from my personal experience
12 with my own children --

13 MAJORITY CHAIRMAN TAYLOR: Here we go.

14 MR. GRAY: -- the model that I have can remain in
15 the car. That way the angle of the incline that is the
16 difficult part for the parent or grandparent that would be
17 installing it. That's the difficult part to get right.
18 The piece that I have to do then is continually to make
19 sure that it's tightened because it has a toe harness that
20 needs to be taut. So that's the piece that I continually
21 have to check back in. It's not that I would have to go
22 back to one of those checkpoints to have them reinstall it
23 every time. But in my case I'm in a position where I can
24 leave mine in the car and I don't have to take it out.

25 MAJORITY CHAIRMAN TAYLOR: Yes, I mean, I think

1 someone with taking adult passengers to work, taking older
2 kids to games or whatever, you'd be constantly moving it
3 and taking it in and out. But I'll move on.

4 Representative Barbin, are you ready now?

5 REPRESENTATIVE BARBIN: Yes. Thank you,
6 Mr. Chairman. And thank you, gentlemen, for your
7 testimony.

8 I read both of your testimonies, and I guess my
9 first question is really towards PennDOT, which is, as I
10 understand the law, it's a citation of \$75 if you do this
11 wrong, whatever -- and however we amend this, it's still
12 going to be a \$75 fine. So for me the perspective,
13 listening to your testimony, the thing that's most
14 important is the concussion issues that relate to a child
15 from the time of birth until 2 and then concussion issues
16 from the time of 4 until the time of 8 because our law
17 currently says you've got to have a restraint system if
18 you're under 4 and you've got to have a seatbelt or
19 something that holds you in if you're from 4 to 8.

20 So what I'm suggesting is what would your
21 position be and does any other State have a statute that
22 says from 0 to 2 or 20 pounds -- and I'm assuming that's
23 the manufacturers' weight for the seats -- you have to have
24 your child in that type of rear-facing seat. And from 4 to
25 8 you have to have your child in a seatbelt system at least

1 until -- is it 4'9", until your child gets big? And does
2 any State have that sort of situation?

3 MR. GRAY: I'm not aware. I would have to look
4 into the specifics of the height and weight requirements.
5 I think most of the manufacturers for the front-facing --
6 and I was just going to look that up here real quick so
7 that I could give you kind of a range, but I'm not aware --

8 REPRESENTATIVE BARBIN: But the testimony you
9 gave was the academy physicians say until 2, the concussion
10 forces are so strong that you want them in the seat and you
11 want them facing the direction of whatever the impact is so
12 that the impact can be spread over the whole body as
13 opposed to the head moving forward and whiplashed.

14 MR. LEONARD: That's correct. Oklahoma and New
15 Jersey have passed rear-facing requirements up to the age
16 of 2. I'm not sure how strong their laws are after that,
17 but I would imagine they have a booster seat requirement
18 like we do.

19 REPRESENTATIVE BARBIN: Since this is a \$75 fine,
20 is it a better policy for Pennsylvania to have to say it's
21 up to 2 unless you are more than 20 pounds in weight?

22 MR. LEONARD: Yes, that's what we would support.
23 And it's not so much to us the importance of the fine, but
24 I think laws help to educate parents, and I think the
25 education component is probably more important than the

1 fine component. Parents look to the law often to see what
2 is the best way to keep their children safe.

3 And to the Chairman's comment, taking a seat in
4 and out, I think what the State Police do and I know what
5 our trainers do is they train the parent to put the seat in
6 properly so that they understand how it's supposed to go
7 in.

8 REPRESENTATIVE BARBIN: From 2 to 4 is it your
9 belief that if you're younger than 4 but you're above 4'9",
10 you don't need to be in a child restraint seat?

11 MR. LEONARD: That's the recommendation of the
12 Academy of Pediatrics.

13 REPRESENTATIVE BARBIN: Okay. And, Mr. Chairman,
14 my only comment is I think we need a 2-year requirement
15 unless you're 20 pounds or more. And I think since this is
16 education, it's not really a fine, it's not really a
17 criminal violation, we should be changing the law at the
18 same time for the people that are in the seatbelts from 4
19 to 8. We should have some way of saying you can get out of
20 a child restraint system from 2 to 4 if you're above 4'9",
21 but if not, you're required to be in that seat because it's
22 the concussions that matter, you know. That's what the
23 testimony of that Dr. Durbin -- I apologize, Mr. Leonard.

24 MR. LEONARD: Yes.

25 REPRESENTATIVE BARBIN: I was switching your name

1 with Dr. Durbin, but your testimony, Durbin says you need
2 to have those people to avoid the concussion. That's why
3 you have them in the rear-facing.

4 MAJORITY CHAIRMAN TAYLOR: [inaudible]?

5 MR. ROWE: Only for the -- no --

6 MR. GRAY: Yes, the existing basically says to
7 switch at 4 years and older, that you would have to have
8 the booster seat based on the language that's in the 2 and
9 under. There's requirements based on the manufacturer's
10 qualifications and a lot of them --

11 REPRESENTATIVE BARBIN: But should we have that
12 in, the manufacturer's weight?

13 MR. GRAY: Yes, I was just looking. It typically
14 ranges from product, but a lot of them that allow rear-
15 facing up to 40 pounds and 49 inches. There are some that
16 exceed that and go higher. But a lot of the confusion is
17 that the instructions will say at 20 pounds you can switch
18 over to the forward-facing, and that's where the parents
19 sometimes get confused as to well, if the instructions say
20 that, then I can probably switch them around.

21 So that's part of the educational outreach that
22 we try to do. We typically have -- in addition to what
23 Pennsylvania State Police does, we have grantees that
24 assist with those checkpoints. There's approximately 1,400
25 technicians that support in this type of effort statewide

1 to assist with that training and education component.

2 REPRESENTATIVE BARBIN: All right. Lastly, I
3 just think since it's really educational that we're
4 thinking about, and we're kind of dealing with concussions
5 on the same basis in the '50s they dealt with whether
6 smoking was bad for you. Thirty or forty years later they
7 found out just how bad it was. Today, we're doing exactly
8 the same thing with concussions. People that have multiple
9 concussions have permanent brain injury, and until you get
10 to be 18, you're still developing your nervous system. So
11 anything we can do to make the concussion element of this
12 less severe we should be doing because we're going to find
13 out 20 years from now that we could have done more and it
14 had like long-lasting impacts on children we just didn't
15 know.

16 MAJORITY CHAIRMAN TAYLOR: An exemption based on
17 child's weight or height, on vehicle characteristics,
18 children 4 years of age but younger than 8 years of age who
19 weigh less than 40 pounds may, in lieu of use of a booster
20 seat, be securely fastened in a child passenger restraint
21 system appropriate for their weight and height and in
22 accordance with the recommendations of the manufacturer.

23 Children 4 years of age but younger than 8 years
24 of age riding in a passenger position in a vehicle which
25 was not originally equipped with a shoulder safety belt

1 shall be fastened in the safety seatbelt system without the
2 use of a child passenger seat, or may be fastened in a
3 child passenger seat. It goes on. So I mean at least from
4 my point of view in terms of the education, I think maybe
5 it's going to be prudent for us on this committee to make
6 sure every one of our Members has a clear understanding of
7 this so they can get that out to their constituents because
8 I don't know if everybody understands this.

9 But I know Representative Watson does, so,
10 Chairman.

11 REPRESENTATIVE WATSON: Thank you, Mr. Chairman.
12 I'm not sure about that.

13 I wanted to clear up with Representative Barbin
14 and his comments. I would suggest respectfully it can't
15 all be done in one bill and that we would need, I think,
16 for all the Members to be here but a little more testimony.
17 I think it's very clear, and we have other States that have
18 done it, that indeed we follow through with Representative
19 Schlossberg's bill with the amendment.

20 When you move into the next area, and this is
21 where parents will say, remember, children are vocal by
22 this point and they're telling you, well, I don't need to
23 do that, I want to ride in a big seatbelt, no one has
24 talked about what's called submarining and the fact that if
25 you are a certain age and height, that seatbelt was never

1 designed for a child. You will hear that when they talk
2 about a small grown woman who is just physically diminutive
3 and that technically it's not designed for her either.

4 You will also hear when they talk about,
5 depending upon height and weight, sitting up front, because
6 we even know -- perhaps some of you don't, but like I said,
7 this is my thing -- but quite frankly, what is that 12-
8 year-old who certainly doesn't want to sit in the back seat
9 with a brother and a sister, especially if one's in a child
10 safety seat, so they want to be up front. That's like a
11 biggie. And yet what they tell us from the American
12 Academy of Pediatrics and certainly NHTSA and everyone,
13 that's called -- when they're doing car safety, that's the
14 death seat. That front seat passenger is the one that
15 takes the greatest force.

16 So years ago when we started the Highway Safety
17 Program, and that goes back to the '80s, we were trying to
18 advise parents that if you're really smart and care, what
19 you would do is keep your child in the back seat probably
20 up to age 12 because the usual size of a 12-year-old, they
21 could stand the forces that will be exerted in a crash on
22 any front seat driver or passenger.

23 I see doing this, but respectfully, Mr. Chairman,
24 I'd like a little more depth done, that we would move
25 another bill that would continue the process. And I think

1 the time has come.

2 Certainly when it was done, and I worked on it in
3 2002, American Academy of Pediatrics recommended something
4 different. And much like, whether it's medical science or
5 whatever, times change and we learn more. Representative
6 Barbin referenced a few years ago when my son played
7 soccer, he was the one -- that may account for a lot -- but
8 that he would head the ball for the soccer team because he
9 had a whole pile of hair right here and he would be
10 perfect. We know that's not a really good and wise thing
11 for kids to do now. They didn't know that before. So I
12 think as times change, this should be a law that should be
13 updated periodically.

14 But respectfully, I would keep this 1551 with its
15 amendment and then move into the discussion to go further
16 but with more data and all of us present to understand it.
17 Thank you.

18 MAJORITY CHAIRMAN TAYLOR: Representative
19 Schlossberg, do you have any reaction to any of that?

20 REPRESENTATIVE SCHLOSSBERG: Well, first of all,
21 thank you of course again to all of you, and thank you to
22 my colleagues for their questions.

23 And, Chairwoman Watson, I had no idea that there
24 was that broad of depth of a review of that, and I would
25 certainly echo your call for a broader understanding

1 perhaps of how else we could change passenger safety laws
2 later down the line. And as I commented to Chairman
3 Taylor, this is interesting. You have a hearing and then
4 how much more you wind up discovering.

5 The one question that I have -- and gentlemen,
6 I'll address this to you; the State Police I would
7 certainly want them to weigh in as well -- how do you
8 enforce something like this? I mean, if somebody's pulled
9 over and they see a child in the back, do you say how old
10 is that child? How do you know if that's true or not?
11 How --

12 MAJORITY CHAIRMAN TAYLOR: Weight.

13 REPRESENTATIVE SCHLOSSBERG: Weight? Yes, okay.
14 Height and weight then --

15 MAJORITY CHAIRMAN TAYLOR: No, I'm saying weight
16 and height. You'd be asking the same things, right?

17 REPRESENTATIVE SCHLOSSBERG: Yes, I guess you
18 would.

19 REPRESENTATIVE WATSON: A lot of the time what
20 the history has been -- at least it used to be -- they
21 weren't issuing tickets. They use it as a teachable
22 moment, and most of them say -- because you could certainly
23 -- you know, they elicit from the parent how old is this
24 child and do you know what's better? And you're not going
25 to get a parent who goes I don't care that my child could

1 become a projectile. They really don't know. Or lots of
2 times the child's just thrown a temper fit where Mom
3 finally says that's it, fine, get out of this, sit over
4 there, put a belt on, you know, be like your eight-year-old
5 brother or sister. So they use it and they always said not
6 to do a fine of \$75 but as a teachable moment and go
7 through what and how and it makes a difference.

8 REPRESENTATIVE SCHLOSSBERG: Yes. Well, and
9 hearing about some of the decreases in utilization I think
10 does make this all the more important that we can use this
11 law as a way to garner positive attention for the need to
12 actually appropriately restrain your child. So the timing
13 of this seems pretty apt. So thank you, Chairman.

14 MAJORITY CHAIRMAN TAYLOR: Other questions?
15 Representative Donatucci.

16 REPRESENTATIVE DONATUCCI: Thank you,
17 Mr. Chairman.

18 MAJORITY CHAIRMAN TAYLOR: And before you start,
19 Maria, I failed to recognize Representative Doyle Heffley
20 earlier. He has joined us.

21 REPRESENTATIVE DONATUCCI: I don't have any
22 questions. I just have a comment, that I partnered with
23 the Pennsylvania Traffic Injury Prevention Project, and I
24 give out car seats in my office for each age group. They
25 come in, they trade. They're always brand new. And we

1 actually cut the -- when we have to get rid of them, we cut
2 the straps so nobody can use them. But it's for a nominal
3 fee, and if you don't have the fee, we don't deprive you of
4 a car seat. And when you get to the end of it, if you take
5 that last seat back, we give you your fee back. So we are
6 trying to work along with everybody to keep children safe.
7 Thank you.

8 MAJORITY CHAIRMAN TAYLOR: Other questions?
9 Chairman Keller?

10 DEMOCRATIC CHAIRMAN KELLER: This one isn't
11 working so I'll speak loud. First, I apologize for being
12 late. I was at an important meeting. You know it's the
13 only reason I would be late.

14 And I believe Representative Schlossberg has an
15 important issue here that no one's brought up before. I
16 think we should move forward with this with amendment.

17 And then once again, Mr. Chairman, I'd like to
18 thank you. I think this is how the committee process is
19 supposed to work. We identify things and this is an
20 important issue, and I'm going to thank you for bringing it
21 up. And I think this is how the committee process is
22 supposed to work. Thank you.

23 MAJORITY CHAIRMAN TAYLOR: Thanks. Are there any
24 other questions or concerns?

25 To Glenn and Gavin, thank you very much for being

1 here. We appreciate it. If we have any further questions,
2 maybe we'll reach out to you. This committee will move
3 forward with House Bill 1551 probably with at least one
4 amendment.

5 Ted, thank you very much, from the AAA point of
6 view. We appreciate it.

7 And we're due to be on the Floor in 15 minutes,
8 so this hearing is adjourned. Thanks.

9

10 (The hearing concluded at 12:44 p.m.)

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2 are a true and accurate transcription produced from audio
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