

HB 448: FREQUENTLY ASKED QUESTIONS

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Why are rear-facing car seats safer than forward-facing car seats?
Rear-facing car seats offer the best protection, because the seat keeps a child's head, neck and spine aligned during impact and the seat absorbs the force of a crash. Although forward-facing car seats slow down a child's torso in a collision, the head, spine and neck are still moving with great force. Because a young child's vertebrae are still developing, the stress could result in serious spinal cord injuries. If stretched 1/4", the child's spinal cord could rupture. (*Source: The Ohio State University*)

Why does this need to be in statute?

Current Texas statute is confusing for caregivers & law enforcement because it relies on car seat manufacturers' guidelines, which vary greatly depending on the make/model of car seat. As a result, many caregivers don't understand the law & move their child to a forward-facing car seat too soon. This bill would simplify requirements by aligning the law with American Academy of Pediatrics' recommendations. **NOTE: DPS, TxDOT & DSHS all strongly recommend rear-facing until at least age two.**

But isn't forward-facing easier for everyone?

Yes, it's easier to interact with your child when she is facing forward & easier to get her into the seat. But safety should be the main concern. Caregivers should consider the protection of the child, in addition to comfort.

What about big babies/children?

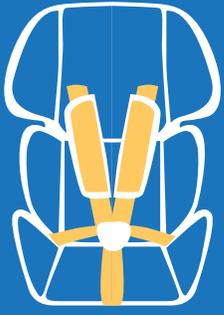
This bill exempts children who reach 40 lbs or 40" in height. However, most children do not reach this height or weight by age two. Children are extremely flexible & sit with their legs crossed or feet against the back of the seat, if needed. Because it is safer to rear-face, many caregivers keep their children rear-facing well beyond age two.

Does this bill create a new offense?

No. The car seat offense language is already in state statute & was updated in 2013. The aim of this bill is to simplify the law & keep kids safe, not punish caregivers. *In the Senate Committee a change was made to make this a secondary offense (have to be pulled over for something else) and to provide a warning on the first occurrence.*

Is there a defense to prosecution?

Yes. The defense to prosecution provision allows for dismissal if a caregiver has obtained a child safety seat in compliance with the law.



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How will this be enforced?

The law will be enforced the same way it is currently enforced; however, it will likely be easier for law enforcement officers to identify violations as the statute will be based on age and not on manufacturers' guidelines. Right now, a law enforcement officer will have to know the specific manufacturer's guidelines or read the car seat manual in order to identify whether or not the caregiver is violating the law.

Will these car seats be more expensive for parents?

Not at all. There is no change in the type of car seats already required by law to be used by caregivers. As a result, there would be no additional cost.

Nevertheless, if cost is an issue for purchasing a child safety seat, there are many options for caregivers, including seats provided at no or low cost by Medicaid providers, DSHS, Safe Kids chapters, and others.

What other states have this law in place?

Oklahoma was the first to put the law into effect. Other states include, California, Connecticut, Illinois, Nebraska, New Jersey, Oregon, Pennsylvania, Rhode Island, South Carolina, Virginia [effective 07/01/2019], Washington [effective 01/01/2020], and New York [effective 11/01/2019].

