

HB 4092 Vote Explanation

I was the only NO vote on this bill; The reasons were technical rather than related to the concept itself.

As presented in our committee, the problem which this bill attempts to solve is confusion over which child car seats are safe and which are not. Presenters made a strong case that significant numbers of parents were buying car seats they thought were certified as safe, while they were in fact cheap Chinese knockoffs.

One car seat brought to committee was clearly inferior and potentially dangerous in a car accident as compared to a legitimate version.

However, how much harm is being done is completely unquantified. The experts in committee knew of no cases in which a child had been hurt (but assumed there must be some) and had no data on how many uncertified car seats were actually dangerous.

My reasons for a NO vote were about the implementation.

The bill's purpose is to avoid parents unknowingly purchasing inferior car seats for their children. What it actually does is ban the sale of seats by retailers which are not certified by the National Highway Traffic Safety Administration or federal Department of Transportation. It includes a private right of action which is particularly dangerous because although a retailer is only liable if he knowingly lists an uncertified seat for sale, the courts can often get this wrong. One employee that supposedly "knew" about an error can be used to claim management was aware of it, which is always a problem in a large company.

Relying solely on standards from one federal agency has problems. In committee we heard testimony that it takes 2 ½ years get a new seat approved – even over such a simple change as a different but equivalent type of strapping. It was also explained that as a result of the stringent standards, very few companies now make car seats, and the resulting prices are much higher. Car seats have to be built correctly, but they are not complicated.

Although I know of no private organization certifying car seats (and am not an expert in this field) it is obvious that one could do so. All parents want is a safe seat, not a government sticker. Making all other certifications illegal will hamper innovation and keep prices high – possibly even preventing new technology that could make car seats even safer.

It is also important to remember that car seats do not exist in isolation. If they are too expensive, parents have to skimp in other ways. This money comes directly from the family budget and might result in parents purchasing smaller more dangerous cars or not putting on new tires when they should. Insisting on stringent rules in the name of safety does not guarantee that children will be better protected.

Without even knowing what fraction of non-certified seats are actually dangerous, it is not clear if their existence is hurting or helping. For example, if parents can only afford a cheap less convenient version of a certified seat, will they be more likely to skip using it on occasion? We don't know.

I realize that by voting NO it might be claimed that I don't care if children have safe car seats. That is simply not true. I strongly recommend parents carefully choose high quality certified car seats for their children, use them, and make sure they remain in good condition.

Parents have a moral responsibility to their children. It is their job to take care of them, make sure they are educated, and make the best safety decisions for them. They should never neglect these responsibilities or assume the government will take care of them. Federal safety standards are sometimes a help – they are not a guarantee.

I, too, would like to make sure that parents are not deceived about whether they are purchasing effective car seats for their children. I am simply concerned about the way this bill works.