

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means
<b>Vote:</b>	5 - 4 - 0
<b>Yeas:</b>	Barker, Bonamici, Komp, Read, Macpherson
<b>Nays:</b>	Cameron, Flores, Krieger, Whisnant
<b>Exc.:</b>	0
<b>Prepared By:</b>	Matt Kalmanson, Counsel
<b>Meeting Dates:</b>	2/20, 3/26

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**WHAT THE MEASURE DOES:** Establishes an offense of endangering child safety, a Class D traffic violation, for operating a motor vehicle with a passenger who is under 13 years old and seated in the front seat, if a rear passenger seating position is available. Establishes that a rear seating position “is available” if it is unoccupied by a child under 13 years of age, and the position is equipped with a safety belt or safety harness. Requires children under one year of age, and all other persons who weigh 20 pounds or less, to be properly secured with a child safety system in a rear-facing position. Requires children under eight years of age, who weigh more than 40 pounds and are four feet nine inches or shorter, to be in a booster seat. Removes exemption from seat belt law for persons who are passengers in a vehicle if all seating positions in the vehicle are occupied.

**ISSUES DISCUSSED:**

- The Safe Kids Legislative Committee
- Oregon’s seatbelt requirements
- Impact of car accidents on children
- Interaction between risk of injury to child in car accident and proper use of seatbelts and booster seats
- Impact of seating position on risk of injury to child in car accident
- Regulation by height and weight versus age
- Federal grants for enactment of booster seat law

**EFFECT OF COMMITTEE AMENDMENT:** Deletes requirement, described above, regarding 13 year old passengers. Establishes that a 13 year old passenger must sit in the back seat if the back seat is equipped with a safety belt and is not “occupied by a vulnerable passenger or a passenger who is under 13 years of age.” Defines “vulnerable passenger” to mean a passenger who is older than 13 years of age and, by reason of medical condition or body size, is at greater risk of injury in the event of an accident than the passenger who is under 13 years of age.

**BACKGROUND:** According to at least one study, motor vehicle accidents are the leading cause of unintentional injury and death to Oregon children ages 1-14 years, and other studies have shown that children are safest when properly buckled in the back seat of a motor vehicle, and when using a booster seat if they are not tall enough to otherwise use shoulder straps. HB 2536 creates a new offense – endangering child safety – if a child under 13 years of age is not properly fastened in an available back seat, and clarifies the existing requirements based on the weight of the child.