

HB 4092 A STAFF MEASURE SUMMARY

Senate Committee On Commerce and General Government

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Meeting Dates: 2/23

WHAT THE MEASURE DOES:

The measure restricts the sale of car seats that do not meet federal or state safety standards. The restriction applies to retailers and online or other marketplaces. The measure provides for a private right of action for failure to comply.

Detailed Summary:

- Restricts sales of any device or system for restraining, seating, or positioning a child within a motor vehicle (referred to as a safety device) that does not meet the National Highway Traffic Safety Administration standard for child restraint systems (referred to as the federal standard) or Oregon Department of Transportation (ODOT) standards
- Clarifies the definition of retail platform operator to include operators of centralized fulfillment, distribution, or warehouse networks and sales from inventory that the person owns, leases, or otherwise controls, and excludes delivery services
- Creates a knowingly standard for retailers and retail platform operators selling or making available for sale a safety device that does not meet the standards set forth in the measure
- Prohibits a person who operates an online or other marketplace that enables purchasers to select, pay for, and receive a child safety system from selling or offering for sale a safety device if it does not meet the federal standard and ODOT standards
- Prohibits a person who provides an online or other marketplace, or facilitates a retailer's sale or offer for sale to a purchaser, from permitting a retailer to advertise or offer for sale a safety device without getting a written disclosure from the retailer that the device complies with the federal standard and ODOT standards
- Provides for a private right of action
- Provides a retailer or retail platform operator 30 days to cure a violation

Fiscal impact: Minimal fiscal impact

Revenue impact: Minimal revenue impact

HOUSE VOTE: Aye, 40; Nays, 0; Excused, 20

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The National Highway Traffic Safety Administration standard for child restraint systems, includes performance, force distribution, installation, belt buckle and webbing, labeling, printed instructions, flammability, information requirements, and attachment of the restraint to an anchorage system. It also considers the process of testing, appropriate conditions for testing, and the selection and positioning of dummies.

Oregon Department of Transportation (ODOT) standards can be found under ORS 815.055. ODOT is required to adopt and enforce rules establishing minimum standards and specifications for the construction and installation of safety belts, safety harnesses, child safety systems, and anchors or other devices to which safety belts, safety

harnesses, or child safety systems may be attached and secured.

PRELIMINARY