INSURANCE INSTITUTE
FOR HIGHWAY SAFETY

November 12, 2008

David Kelly
Acting Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE, West Building
Washington, DC 20590

Notice of Proposed Rulemaking; 49 CFR Part 571 Federal Motor Vehicle Safety Standards, Occupant Crash Protection; Docket No. NHTSA-2008-0149

Dear Mr. Kelly:

In 1999 the National Highway Traffic Safety Administration (NHTSA) established Federal Motor Vehicle Safety Standard (FMVSS) No. 225 requiring motor vehicle manufacturers to install lower anchors and tethers for children (LATCH) and child restraint manufacturers to attach components to restraints that clasp the lower rigid LATCH bars. The standard required child restraints to retain the ability to be secured with vehicle seat belts. It also removed from FMVSS 208 the requirement that lap belts be lockable to secure restraints in seating positions equipped with LATCH in vehicles manufactured on or after September 1, 2012. NHTSA proposes to remove this sunset provision so that the lockability requirement would continue to apply to new vehicles. The Insurance Institute for Highway Safety supports this proposal.

Many parents and caregivers continue to secure child restraints with vehicle seat belts, even in seating positions equipped with LATCH. According to a 2005 observational survey conducted by NHTSA, a substantial proportion of child restraints in LATCH-equipped vehicles were installed with vehicle belts. Thirteen percent of child restraints in LATCH-equipped vehicles were installed in positions without LATCH (most often the center rear seat). Among the 87 percent of child restraints in LATCH-equipped seating positions, 40 percent were installed with vehicle belts (Decina et al., 2006). A recent report on crashes involving insured vehicles reported that 57 percent of child safety seats in LATCH-equipped vehicles were not secured with the lower anchors of the LATCH system (Children's Hospital of Philadelphia, 2008).

Another consideration is the recent trend of child restraint manufacturers increasing the maximum weight limit for child restraints. Of the child restraints evaluated under NHTSA's 2008 ease-of-use ratings, 16 restraints can accommodate children weighing more than 48 pounds. This includes 5 seats that can accommodate children weighing 70 pounds or more (NHTSA, 2008). The weight limit of LATCH set by some vehicle manufacturers is 40-48 pounds, suggesting that vehicle seat belts will have to be used to install these seats for higher weight children.

In summary, the Institute believes the lockability requirement of FMVSS 208 should be retained.

Sincerely,

Anne T. McCartt
Senior Vice President, Research

cc: Docket Clerk, Docket no. NHTSA-2008-0149

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References

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Decina, L.E.; Lococo, K.H.; and Doyle, C.T. 2006. Child restraint use survey: LATCH use and misuse. Report no. DOT HS-810-679. Washington, DC: National Highway Traffic Safety Administration.

National Highway Traffic Safety Administration. 2008. Child safety seat ease of use ratings. Washington, DC: US Department of Transportation. Available: www.nhtsa.gov/portal/nhtsa_eou/info.jsp?type=all.