



FRANKLIN COOKE
STATE REPRESENTATIVE
16th District

**HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901**

COMMITTEES
Public Safety & Homeland Security, Chair
Corrections
Gaming & Parimutuals
Housing & Community Affairs
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Labor
Veterans Affairs

House Public Safety & Homeland Committee Meeting Minutes

5.16.23

This committee meeting has been recorded and may be accessed via legis.delaware.gov

Chair Cooke called the meeting to order at 11:04 a.m. Members present included Vice Chair Osienski and Reps. Bush, Morris and Vanderwende. Rep. Griffith and Rep. Williams were also present. For a list of guests present, please see the attendance list below.

Chair Cooke introduced **SB 68, AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO OCCUPANT PROTECTIONS.**

Rep. Griffith, sponsor of the bill, said the bill requires rear-facing child restraints until a child is two years old and weighs thirty pounds. Children under the age of two and less than thirty pounds should be properly secured in a rear-facing child restraint with a five-point harness. Children under the age of four and less than forty pounds must be properly secured in a child restraint equipped with a five point harness and can be rear-facing or forward facing until the child reaches the upper height or weight indicated by the restraint. If a person is stopped for violating this requirement, they will be referred to the Office of Highway Safety (OHS) car seat fitting station for education regarding proper child restraint and will only be fined for subsequent offenses. When a child under the age of two is in a rear facing seat their bodies are properly aligned, when they are facing forward it places stress on their neck and back, making it unsafe.

Rep. Morris asked how law enforcement will know if it is the first offense or a subsequent offense.

At the request of Rep. Griffith, Sgt. Michael Ripple from Delaware State Police (DSP) replied they may be able to issue a written warning which would appear in Delaware Criminal Justice Information System (DELJIS).

Rep. Morris asked if that should be included in the legislation.

Rep. Griffith replied she believes the language is sufficient because it outlines the procedure for a subsequent offense.

Rep. Morris expressed concern that if referral to OHS is the only aspect outlined, some officers may not issue a warning and then nothing will appear in DELJIS.

Rep. Griffith said the word violation is included in the language.

Sgt. Ripple said they can discuss whether there will be a warning with the referral or if the first offense will be a violation. He said the intent appears to be a warning and safety referral for the first offense.

Rep. Griffith said she will make sure the law is clear and law enforcement officers will be informed on how to properly address the issue.

Rep. Morris expressed concern about the second offense fine only being twenty-five dollars because parents/guardians should care about the safety of their child to not make the same mistake again.

Rep. Griffith replied the fine is currently twenty-five dollars.

Rep. Morris asked if that is something to address.

Rep. Griffith replied she believes it is sufficient. She said it is something they could revisit if needed as the goal of this bill is the educational aspect.

Chair Cooke asked if warnings appear in DELJIS.

Sgt. Ripple replied that warnings do appear in DELJIS.

Chair Cooke asked OHS if they still do classes for the public.

At the request of the Chair, Aubrey Klick, fitting station coordination OHS, replied they have public events throughout the state year-round. They partner with local law enforcement, school districts and daycares to host the events and check child restraint seats.

Chair Cooke expressed concern regarding rear-end collisions and how they impact children in rear-facing restraints.

Ms. Klick replied a study has shown similar results to the efficacy of keeping children rear-facing for a longer period of time.

Rep. Morris asked if there is literature available and if they could distribute them at inspection lanes.

Ms. Klick replied they have a brochure that outlines the child restraint requirements and would happily distribute that.

Chair Cooke opened the floor to public comment.

Ms. Klick from OHS said they fully support this legislation. Child seat restraints keep children alive but only if they are used properly. It is important to not rush through the car seat stages and to keep the public informed of the most up to date information. This legislation works towards educating the public, not punishing them to keep children safe.

Nicole Majeski, Secretary of the Delaware Department of Transportation (DelDOT), said they support this legislation as many children who have died in car accidents were not properly restrained in their car seats. She said they look forward to continuing their partnership with OHS to spread education about the issue.

Christina Bryan, Director of Communication and Policy at the Delaware Healthcare Association, said they strongly support this bill.

Kristen Dwyer from Nemours Children's Health said they support this legislation as this is long overdue to keep children safe. She added that an advertising period prior to policy implementation is important, and they applaud the effort of having no monetary fine for the first offense.

Robert Overmiller spoke in support of the legislation.

A motion was made by Bush and seconded by Rep. Vanderwende to release SB 68 from committee; motion carried. Yes = 5 (Cooke, Osienski, Bush, Morris, Vanderwende); No = 0; Absent = 3 (Romer, Johnson, Briggs King). The bill was released from committee with a F=0, M=5, U=0 vote.

Chair Cooke introduced **HB 157, AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PAWNBROKERS, SECONDHAND DEALERS AND SCRAP METAL PROCESSORS.**

Rep. Williams, sponsor of the bill, said this legislation was developed by DSP in response to shoplifters who quickly travel to pawnshops without any proof of ownership and shoplifters who return stolen items to a store and receive a gift card as compensation. Some shoplifters also go to pawn shops to trade gift cards for cash. This legislation would prohibit stores from accepting a gift card or an item in its original packaging without a receipt or proof of purchase. This will impact the ability of criminals to profit from their actions and address the shoplifting problem.

At the request of the Chair and Rep. Williams, Sgt. Ripple said shoplifting is a problem across the whole state and is worth millions of dollars. They are trying to dry up the shoplifters' way to get quick money. They are holding pawnshops to higher standards.

Chair Cooke opened the floor for public comment

Robert Overmiller spoke in favor of this legislation.

A motion was made by Rep. Bush and seconded by Vice Chair Osienski to release HB 157 from committee; motion carried. Yes = 5 (Cooke, Osienski, Bush, Morris, Vanderwende); No = 0; Absent = 3 (Romer, Johnson, Briggs King). The bill was released from committee with a F=5, M=0, U=0 vote.

Chair Cooke introduced **SB 86, AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE RULES OF THE ROAD.**

Secretary Majeski said this legislation would require motorcycle drivers to wear a helmet during the first two years of receiving their motorcycle endorsement. This only applies to motorcycle drivers after it is enacted, not current motorcycle drivers.

Rep. Bush thanked Secretary Majeski for bringing this forward.

Vice Chair Osienski thanked DelDOT for their efforts in getting this bill drafted and presented.

Chair Cooke opened the floor for public comment.

Ms. Bryan said the Delaware Healthcare Association supports this legislation as helmets are critical in protecting motorcycle drivers and passengers.

Robert Overmiller said he supports this bill.

A motion was made by Rep. Vanderwende and seconded by Rep. Bush to release SB86 from committee; motion carried. Yes = 5 (Cooke, Osienski, Bush, Morris, Vanderwende); No = 0;

Absent = 3 (Briggs King, Romer, Johnson). The bill was released from committee with a F=0, M=5, U=0 vote.

Chair Cooke introduced **SB89, AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO EQUIPMENT AND CONSTRUCTION OF VEHICLES.**

Rep. Bush said this legislation allows for the use of green lights on state owned and operated snow removal vehicles. Studies have shown that green lights are more visible to the public during winter weather conditions.

Secretary Majeski added that several other states have implemented green lights and it has been effective. She wants to take any measures to keep her drivers and the public safe.

Chair Cooke opened the floor to public comment.

Robert Overmiller said he supports this legislation.

A motion was made by Rep. Vanderwende and seconded by Vice Chair Osienski to release SB89 from committee; motion carried. Yes = 5 (Cooke, Osienski, Bush, Vanderwende, Morris); No = 0; Absent = 3 (Biggs King, Romer, Johnson). The bill was released from committee with a F=5, M=0, U=0 vote.

Chair Cooke adjourned the meeting at 11:39 a.m.

Respectfully Submitted by:
Maggie Karpinski

Attendance List:

- Sgt. Michael Ripple
- Aubrey Klick
- Nicole Majeski
- Christina Bryan
- Kristen Dwyer
- Robert Overmiller



AAA Mid-Atlantic's Testimony in SUPPORT of SB 68

Child Passenger Safety Seat Requirements/Occupant Protections

House Public Safety & Homeland Security Committee Hearing, May 16, 2023

Submitted by: Jana Tidwell, Manager, Public & Government Affairs, AAA Mid-Atlantic

- AAA Mid-Atlantic supports **SB 68** which would revise Delaware's child safety seat requirements which currently requires an "appropriate" car seat or booster.
- In 2020, 607 child passengers ages 12 and younger were killed in motor vehicle crashes in the United States (NHTSA), and more than 63,000 were injured (CDC). Of the children who were killed in a crash, 38% were not buckled up.
 - We can reduce the risk of serious injuries and death by making sure children are properly buckled in car seats, booster seats, and seat belts that are appropriate for their age and size.
 - Car seat use reduces the risk for injury in a crash by 71–82% for children, when compared with seat belt use alone.
 - Booster seat use reduces the risk for serious injury by 45% for children ages 4–8, when compared with seat belt use alone. Also, a more recent study found that the effectiveness of booster seats may be even higher than 45%. The newer study also found that booster seats help prevent moderate and serious crash injuries among children ages 7–8.
 - Seat belt use reduces the risk for death and serious injury by about half for older children and adults.
- AAA calls on states to review and amend existing occupant protection laws to ensure all children under the age of 18 are protected by laws enforced on a primary standard basis.
- Under **SB 68**, children under 2 years and under 30 pounds must be seated in a rear-facing seat with a 5-point harness. Children under 4 years and under 40 pounds must be seated in either a forward facing or rear-facing seat with a 5-point harness. Children between the ages of 4 and 16, must be seated in a booster based upon the manufacturer's guidelines or a seatbelt.
- AAA supports the following national guidelines for child safety seats:
 - All infants and toddlers should ride in a rear-facing safety seat until they are 2 years of age. They should continue to ride rear-facing until they reach the highest weight or height recommended by the manufacturer of the seat.
 - All children 2 years or older, or those younger than 2 years who have outgrown the rear-facing weight or height limit for their child safety seat, should use a forward-facing child safety seat with harness for as long as possible, up to the highest weight or height recommended by the manufacturer of the seat.
 - All children whose weight or height is above the forward-facing limit for their child safety seat should use a belt positioning booster seat until the vehicle lap-and-shoulder belt fits properly, which is typically when they have reached 4 feet 9 inches in height and are between 8 and 12 years of age.
 - AAA recognizes and actively supports the need to work with the child passenger safety community to educate the public about what it means to "sit properly restrained."
- AAA Mid-Atlantic urges Delaware legislators to pass **SB 68** to ensure our children are properly protected in an "appropriate" car seat or booster.

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