



**Docket No.: NHTSA-2023-0032**

Docket Management Facility  
U.S. Department of Transportation  
West Building, Ground Floor  
Room W12-140  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590-0001  
Filed via [www.regulations.gov](http://www.regulations.gov).

**Federal Motor Vehicle Safety Standards;  
Occupant Crash Protection, Seat Belt Reminder Systems  
Notice of Proposed Rulemaking  
88 Federal Register 61674, September 7, 2023**

Kids and Car Safety (KACS) appreciates the opportunity to provide comment on the Notice of Proposed Rulemaking on rear seat belt reminders. KACS is a national nonprofit organization founded in 1995, dedicated to saving the lives of children in and around motor vehicles.

KACS is concerned by NHTSA's decades long failure to mandate seat belt reminders for all passengers, especially those in the rear seat where children are seated. This advance in safety technology would begin saving lives immediately. Rear seat belt reminders should have been in ALL passenger vehicles decades ago. It is devastating to think of the many lives that could and should have been saved over the last two decades.

The NHTSA has shared grim statistics of thousands of unbelted vehicle occupant deaths and tens of thousands of injuries every year. As consideration is given to public comments, it is important to remember that these numbers represent real people. Each one with their own name, story and network of loved ones that grieves their loss or suffering. Many are innocent children. Many are parents whose children are orphaned. Others include spouses, grandparents, best friends, foster parents and the list goes on...

What would the cost be to you if it was your parent, child, spouse or best friend was one of those who paid for these delays with their life?

As cited in previous comments and in NHTSA's very own NPRM, there is a tremendous amount of documentation that provide the data necessary to move forward with this long overdue provision as quickly as possible. Seat belts save lives. This is indisputable.

Delays on Lifesaving Rulemakings are not Acceptable

The NHTSA began encouraging manufacturers in 2002 to adopt seat belt reminder warnings in non-driver positions, yet took no definitive action to make it happen. In 2007, Public Citizen and

Advocates for Highway and Auto Safety filed a petition for rulemaking.<sup>1</sup> In 2012, Congress stepped in and passed MAP-21 requiring a safety standard to be set requiring rear seat belt reminders in new passenger vehicles by October, 2015.<sup>2</sup>

Four years after the Congressional deadline in 2019, an ANPRM was published after Kids and Car Safety and the Center for Auto Safety went to court in 2018 and filed a writ of mandamus to compel the DOT to issue a regulation after missing the Congressionally mandated final-rule deadline.<sup>3</sup> It is now more than a decade after the enactment of MAP-21 and eight years after the Congressional deadline and still the final rule has yet to be issued.

Since MAP-21 was enacted in 2012, more than 90,000 people have been killed and almost a million have been injured.<sup>4</sup> These unacceptable delays have needlessly cost the lives and suffering of far too many.

We hear a lot on TV commercials about how much the auto industry “cares” about children; and we would really like to believe that. But basically, every safety feature that has been added to vehicles over the years has been a hard-fought battle by safety advocates and those whose loved ones have perished. We remember it took 16 years for seat belts to come to fruition, 21 years for airbags, 16 years for rearview cameras and now decades for rear seat belt reminders.

Sadly, the fight for safer vehicles doesn’t end once a law is passed by Congress due to the decade’s long delays in the regulatory process. KACS is extremely concerned with the unexplainable delays with the NHTSA rulemakings.

### Rear Seat Belt Reminder Requirements

Today, you get in your car, get ready to drive, and get a reminder buzz just in case you forgot to put on your seat belt. In most cases, front seat passengers get that same reminder if they haven’t buckled up. The passengers in the back seat are currently not given that same protection. Shouldn’t everyone in the vehicle be reminded to buckle? As a driver, you don’t have eyes in the back of your head, so how would you know if someone in the back seat unbuckled while your vehicle is moving?

Our government and state laws require that children travel in the back seat because they are safer. We certainly agree with and totally support that behavior. But, at the same time, we haven’t provided the same safety features to the back seat passengers as the front seat passengers have been given. Over 50% of children who die in motor vehicle crashes are not belted. Children cannot protect themselves and need safeguards to ensure they’re properly restrained.

---

<sup>1</sup> Docket No. NHTSA–2010–0061–0002 (petition); see 84 Fed. Reg. at 51081 (petition granted).

<sup>2</sup> Moving Ahead for Progress in the 21st Century Act, Pub. L. No. 112-141, § 31503, 126 Stat. 405, 774-75 (2012) (codified at 49 U.S.C. § 30127 note).

<sup>3</sup> Kids and Cars, Inc. v. Chao, Case 1:17-cv-01660, Doc. 1 (D.D.C. filed Aug. 16, 2017) (complaint), available at <https://www.autosafety.org/wp-content/uploads/2017/08/FiledComplaint.pdf>; In re Kids and Cars, Inc., Case 17-1229, Doc. 1702061 (D.C. Cir. filed Oct. 30, 2017) (writ of mandamus), available at <https://www.autosafety.org/wp-content/uploads/2017/08/Petition-for-Writ-of-Mandamus-10-30-17.pdf>. See generally Fredrick Kunkle, The U.S. Needs to Move Forward on Rear-Seat Safety Belts, WASH. POST (Mar. 20, 2018), <https://www.washingtonpost.com/news/tripping/wp/2018/03/20/the-u-s-needs-to-move-forward-on-rear-seat-safety-belts/>.

<sup>4</sup> National Center for Statistics and Analysis. (2022, October). Traffic safety facts 2020: A compilation of motor vehicle crash data (Report No. DOT HS 813 375). National Highway Traffic Safety Administration.

KACS prefers the second (“negative-only”) or third (“full-status”) option given in the NPRM for the rear seat belt reminder requirement. We feel this would help avoid alert fatigue. We believe that bringing attention to any unbelted passengers is vitally important. Alerting to the status of buckled passengers might take away attention from the unbelted notifications if buckled passengers are a regular or ever-present situation. We only want to draw attention when a passenger is unbuckled to lessen the alerts and distractions for the driver. In other words, we wouldn’t want the driver to overlook an unbelted passenger because they are used to seeing icons lit up.

Additionally, KACS feels strongly that there should be consistency with all automakers on how these reminder alerts function to avoid consumer confusion.

***Audio-visual change-of-status warning.*** We propose an audio-visual warning whenever a fastened rear seat belt is unfastened while the ignition switch is in the “on” or “start” position and the vehicle’s transmission selector is in a forward or reverse gear.

KACS strongly recommends the use of audio and visual alerts to bring as much attention to unbuckled passengers as possible.

***Requirements related to electrical connections.*** Readily removable rear seats would be required to either automatically connect to the electrical connections when the seat is put in place, or, if a manual connection is required, the connectors must be readily-accessible. Further, vehicles utilizing the negative-only compliance option would be required to provide a visual warning to the driver if a proper electrical connection has not been established for a readily removable rear seat.

KACS recommends that any connection be automatic and require no involvement for the driver as this can lead to failure to connect the components by choice or accidentally. In cases where a manual connection is absolutely necessary, KACS supports a distinct visual and audio warning to the driver when the ignition is in the “on” or “start” position. The audio-visual alert should continue until the proper connection has been confirmed.

***Audio-visual warning on vehicle start-up for front outboard passenger seat.*** We propose to require a seat belt warning for the front outboard passenger seat.

KACS agrees that NHTSA should require seat belt warnings for all seating positions in all vehicles.

***Increasing the duration of the audio-visual warning on vehicle start-up.*** We propose enhancing the front seat warning requirements by requiring an audio-visual warning that remains active until the seat belt at any occupied front outboard seat is fastened.

KACS supports this requirement.

***Audio-visual change-of-status warning.*** We also propose to require an audio-visual change-of-status warning whenever a front outboard seat belt is unbuckled during a trip (unless a front door is open, to account for an occupant unfastening the belt to exit the vehicle). The warning would be required to remain active until the seat belt is refastened.

KACS supports this requirement.

### ***Requiring a Seat Belt Reminder System for the Front Outboard and Front Center Position***

KACS supports the proposal for the front outboard seating position. KACS believes NHTSA should reconsider the exemption for the front center seat. Any unbelted occupant should get the same warning regardless of what seating position they're in. Any unbelted passenger presents a risk to other belted passengers because they can become a projectile in the event of a crash. Additionally, front center seat passengers do not have the same airbag protections as the driver and front outboard passengers.

The seat belt reminders should be consistent for all seating positions within the vehicle to avoid consumer confusion and provide equal protections for all passengers.

**While the ECE rear seat belt warning regulations allow a warning for an unfastened seat belt at an unoccupied seat, this proposal would not allow this, because we tentatively believe that the resulting "false" warning would potentially annoy drivers and lead to behaviors that would decrease system effectiveness.**

**Another way the proposal differs from ECE R16 is the duration of the front seat belt warning on vehicle start-up: R16 generally requires only a 30–60 second audio-visual warning; we propose a warning that lasts until the seat belt is buckled**

KACS agrees with the two deviations from the ECE R16. The "false" warnings associated with unoccupied seats could contribute to alert fatigue for drivers. Additionally, we commend the agency for recommending warnings that last until the seat belt is buckled as this achieves the overall goal of the rulemaking.

**"Accordingly, our intent is to propose performance requirements that provide manufacturers with the flexibility to design a warning system that is appropriate for each vehicle type. We chose to limit the application of the passenger seating requirements to light-duty vehicles (less than or equal to 10,000 lb). Several commenters were all in agreement with excluding vehicles over 10,000 lb; it is consistent with the petition and with the applicability of the current seat belt warning system requirements."**

KACS disagrees with the comments on excluding vehicles over 10,000 pounds. The popularity of large trucks and SUVs has grown exponentially and it is becoming more common for a family vehicle to be over 10,000 pounds.

Additionally, with the electrification of the vehicle fleet the weight of vehicles is increasing. An electric vehicle (EV) can be anywhere from hundreds to thousands of pounds heavier than similarly sized gas vehicles because EV batteries are so much heavier than engines. Therefore, KACS believes that the 10,000-pound classification must be revisited and/or increased to include larger and heavier everyday family vehicles.

With some families driving class 3 vehicles as their everyday means of transportation, class 3 vehicles must be considered for lifesaving rulemakings like this one.

### Conclusion

Safety must become the most important component in the vehicles we drive from the very beginnings of the product development and design process as well as for many ethical, legal and economic reasons.

The importance of seat belts in saving lives is indisputable. This is one area where the government, auto industry and safety groups are in complete agreement.

There must not be any further delays with issuing the final rule for seat belt reminders in all seating positions and in all new vehicles. Every day that passes without this final rule in place brings with it unnecessary deaths and suffering. Everything possible should be done to ensure that all passengers are correctly restrained all the time; on every trip.