
THIRD READING

Bill No: AB 435
Author: Wilson (D)
Amended: 6/25/25 in Senate
Vote: 21

SENATE TRANSPORTATION COMMITTEE: 14-0, 7/8/25

AYES: Cortese, Archuleta, Arreguín, Blakespear, Cervantes, Dahle, Gonzalez, Grayson, Limón, Menjivar, Richardson, Seyarto, Umberg, Valladares

NO VOTE RECORDED: Strickland

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 42-16, 6/4/25 - See last page for vote

SUBJECT: Vehicles: child passenger restraints

SOURCE: Author

DIGEST: This bill changes the definition of the proper use of a seatbelt to meet the requirements of the 5-Step test, as specified, on January 1, 2027.

ANALYSIS:

Existing law:

- 1) Defines a “properly restrained by a safety belt” as the lower (lap) portion of the belt crosses the hips or upper thighs of the occupant and the upper (shoulder) portion of the belt, if present, crosses the chest in front of the occupant. (Vehicle Code (VEH) 27315)
- 2) Requires children under two years of age to ride in a rear-facing car seat unless the child weighs 40 or more pounds or is 40 or more inches tall. The child shall be secured in a manner that complies with the height and weight limits specified by the manufacturer of the car seat. (VEH 27360)

- 3) Requires children under the age of eight to be secured in a car seat or booster seat in the back seat. (VEH 27318 and 27363)
- 4) Requires children who are eight years of age or have reached 4'9" in height to be secured by a booster seat, but at a minimum must be secured by a safety belt. (VEH 27363)
- 5) Requires passengers who are 16 years of age and over to wear a seat belt. (VEH 27315)

This bill:

- 1) Defines, on and after January 1, 2027, a "properly restrained by a safety belt" to mean the wearer meets all of the following requirements of the 5-Step test:
 - a) The person is sitting all the way back against the auto seat.
 - b) The knees of the person bend over the edge of the auto seat.
 - c) The shoulder belt snugly crosses the center of the person's chest and shoulder, not the person's neck.
 - d) The lap belt is as low as possible and is touching the person's thighs.
 - e) The person can stay seated like this for the whole trip.

Comments

- 1) *Purpose of this bill.* According to the author, "As the second leading cause of unintended injury related deaths among children, motor vehicle crashes present a critical focus for safety improvements. Research findings support the 5-Step Test while also indicating that it can increase understanding among both parents and children about the proper way to wear a seatbelt. Endorsed by the Strategic Highway Safety Plan Occupant Protection Committee, the 5-Step Test was designed to consider the varied internal dimensions of vehicles, which the previous height criterion cannot address adequately."
- 2) *Current car seat, booster seat, and seat belt law.* In 2000, the California legislature passed SB 567 (Speier, Chapter 675) which required the use of

booster seats for children weighing between 40 to 80 pounds. Subsequent legislation updated California child seat laws. AB 1697 (Pavley, Chapter 524, Statutes of 2003) required children less than six years of age or weighing less than 60 pounds to be secured in the rear seat in a proper child safety system. SB 929 (Evans, Chapter 474, Statutes of 2011) updated the child car seat law to exempt children over eight years old from rear booster seat requirements and allows children who are at least 4'9" to sit in the front passenger seat. Finally, AB 53 (Garcia, Chapter 292, Statutes of 2016) mandates that children under the age of two remain in rear-facing safety seats unless they exceed 40 pounds or 40 inches.

Current law requires children under the age of 8 to be secured in a car seat or booster seat in the back seat. Children who are 8 years of age or have reached 4'9" in height may be secured by a booster seat, but at a minimum must be secured by a seat belt. According to the California Highway Patrol's car seat safety information webpage, "[e]ach time you 'graduate' your child to the next seat, there's a reduction in the level of protection for your child. Keep your child in each stage for as long as possible. A child is ready for a booster seat when they have outgrown the weight or height limit of their forward-facing harnesses, which is typically between 40 and 65 pounds...Children at this stage are not yet ready for adult safety belts and should use belt-positioning booster seats until they are at least 4'9" and between 8 and 12 years old. Safety belts are designed for 165-pound male adults, so it's no wonder that research shows poorly fitting adult belts can injure children."¹ The current version of this bill does not change any of the car seat, booster seat, or front seat age requirements in existing law.

- 3) *Dangers of ill-fitting seat belts.* Proponents of the 5-Step Test argue that many children move from booster seats too early, exposing them to risks from improperly fitted safety belts. Specifically, children who move from boosters before they fit in seatbelts correctly are riding at a special risk of injury from the lap portion of the belt resting on the stomach, not the hips. UC Berkley's Safe Transportation Research and Education Center (SafeTREC) published a 2024 report, *Traffic Safety Facts: Occupant Protection and Child Passenger Safety*, which found that child fatality trends are partly due to the improper use of child safety seats and lap/shoulder seat belt use.
- 4) *The 5-Step Test.* Recent research suggests that the minimum height requirements do not adequately capture the safety needs of children in vehicles.

¹ <https://www.chp.ca.gov/programs-services/programs/child-safety-seats>

As a result, safety experts have developed a 5-Step Test (outlined below) to determine if a child needs a booster seat. The 5-Step Test gauges whether the seat belt safely fits the child. It includes the following five “steps:”

- a) The person is sitting all the way back against the auto seat.
- b) The knees of the person bend over the edge of the auto seat.
- c) The shoulder belt snugly crosses the center of the person’s chest and shoulder, not the person’s neck.
- d) The lap belt is as low as possible and is touching the person’s thighs.
- e) The person can stay seated like this for the whole trip.

This bill would move California to this new 5-Step standard, and away from the current definition of “properly restrained by a safety belt,” which currently specifies that the “lower (lap) portion of the belt crosses the hips or upper thighs of the occupant and the upper (shoulder) portion of the belt, if present, crosses the chest in front of the occupant.” The current standard contains some of the metrics within the 5-Step Test, but is not as comprehensive. The 5-Step Test is designed to more accurately consider the varied internal dimensions of vehicles.

Technically, under this bill, if a child failed the test, they would need to use a booster seat. This requirement is similar to what exists under current law, whereby children must properly wear a seat belt—as defined above—or use a booster seat. However, under existing law, many parents disregard the specific definition of proper seat belt use and only use age as the determining factor to move their children out of booster seats at age 8.

- 5) *Spreading awareness about seat belt safety.* This bill contains a one year delayed implementation to allow information about the 5-Step Test to be more broadly distributed. Currently, hospitals, birthing clinics, law enforcement, and rental car agencies, among others, distribute car seat safety information. Some of these organizations already distribute information about the 5-Step Test. The 5-Step Test is growing in popularity around the country, and the world. The standard has been integrated into child passenger safety law in both Louisiana and Minnesota. In 2022, it was adopted by the California Department of Public Health for statewide educational materials on child passenger safety.

Related/Prior Legislation

AB 53 (Garcia, Chapter 292, Statutes of 2016) – Mandated that children remain in rear-facing safety seats until age two unless they exceed 40 lbs. or 40 inches.

SB 929 (Evans, Chapter 474, Statutes of 2011) – Prohibited a parent, legal guardian, or driver from transporting on a highway in a motor vehicle, as defined, a child or ward who is under eight years of age without securing that child in an appropriate child passenger restraint system meeting applicable federal motor vehicle safety standards.

AB 1697 (Pavley, Chapter 524, Statutes of 2003) – Required that a child or ward who is less than six years of age or weighs less than 60 pounds be secured in a rear seat in a specified child passenger restraint system.

SB 567 (Speier, Chapter 675, Statutes of 2000) – Required a child under the age of six years of age and less than 60 pounds to be properly restrained in a rear seat child passenger restraint.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

SUPPORT: (Verified 8/18/25)

AAA Northern California, Nevada & Utah

American Automobile Association of Northern California, Nevada & Utah

Auto Club of Southern California

Automobile Club of Southern California

Buckle Up for Life

California Coalition for Children's Safety and Health

California Hospital Association

County of Alameda

Juvenile Products Manufacturers Association

Rady Children's Hospital

Safe Kids Greater Sacramento

Stanford Medicine Children's Health

Streets are for Everyone

OPPOSITION: (Verified 8/18/25)

Sutter Yuba Taxpayers Association

ARGUMENTS IN SUPPORT: Writing in support, AAA Northern Californian, Nevada & Utah states, “Current law requires children who are 8 years of age OR have reached 4’9” in height may be secured by a booster seat, but at a minimum must be secured by a safety belt. However, height alone is not a good indicator for transitioning a child out of a car seat because children grow at different rates and body proportions vary, meaning a child could be tall for their age but still need the protection of a car seat. Too many children are moving from booster seats too early, exposing them to risks from improperly fitted safety belts. These kids are riding at a special risk of injury from the lap portion of the belt resting on the stomach, not the hips...The AAA, National Highway Safety Administration, California Department of Public Health, and many more public safety organizations are now promoting use of the 5-step test to determine if a child is ready to use a seat belt instead of a booster seat. Additionally, Louisiana adopted this standard in 2019 and Minnesota in 2024. There are over 27 million licensed drivers in California, many of whom are carrying unrestrained and vulnerable children. Based on data from the Fatality Analysis Reporting System, 266 child passengers under age 14 nationwide and 23 in California killed in crashes in 2022 were unrestrained. Nearly 40% of those children were unrestrained.”

ARGUMENTS IN OPPOSITION: Writing in opposition to a previous version of this bill, Sutter Yuba Taxpayers Association states, “Existing laws regarding children traveling in automobiles is sufficient. Parents in California should be able to decide if their child can safely travel in their front seats without your intervention.”

ASSEMBLY FLOOR: 42-16, 6/4/25

AYES: Addis, Ahrens, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Jackson, Kalra, Lowenthal, McKinnor, Muratsuchi, Ortega, Pacheco, Papan, Pellerin, Ramos, Rogers, Blanca Rubio, Schultz, Solache, Soria, Stefani, Wicks, Wilson, Zbur, Rivas

NOES: Alanis, Castillo, Davies, DeMaio, Dixon, Ellis, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Irwin, Macedo, Patterson, Sanchez, Tangipa, Wallis

NO VOTE RECORDED: Aguiar-Curry, Alvarez, Boerner, Chen, Flora, Gabriel, Krell, Lackey, Lee, Nguyen, Patel, Petrie-Norris, Quirk-Silva, Ransom, Celeste Rodriguez, Michelle Rodriguez, Schiavo, Sharp-Collins, Ta, Valencia, Ward

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