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Legislative Update:
Helping Overcome Trauma for Children Alone in Rear Seats Act

By: Gabrielle Long

Since 1998, more than 770 infants have died after being accidentally left in the back seat of a vehicle, leaving hundreds of families devastated. On average, thirty-seven children die each year trapped in overheated cars. This type of tragedy is particularly prevalent in families in their early stages, as new parents are not accustomed to checking the back seats of their cars for children before going about their day. Infants and young children are more susceptible to temperature-related deaths because they are unable to regulate their body temperatures, causing their body temperatures to heat up three times faster than adults. Today, children three years old or younger who were unintentionally left in the car by an adult account for approximately eighty-seven percent of heatstroke deaths. About fifty-four percent of such heatstroke victims were forgotten in a vehicle and seventeen percent were intentionally left in a vehicle by an adult.

Many believe that children's death due to abandonment in vehicles is a seasonal issue. However, this is a common misconception. In reality, the issue is much broader. While it is true that such tragedies occur more frequently in summer months, deaths occur in other seasons as well. Children have suffered heatstroke in cars with temperatures as low as sixty degrees Fahrenheit. According to a vehicle heating study done on sixteen separate dates between May 16, 2002, and August 8, 2002, with ambient temperatures between seventy-two and ninety-six degrees Fahrenheit, the temperature of a car can rise nineteen degrees after ten minutes, up to forty-three degrees within an hour, and up from fifty to fifty-five degrees within two to four hours. Those who believe that cracking a window can help keep vehicle's temperatures low are thoroughly mistaken, as the vehicle heating study also revealed that cracking a window is insufficient to combat rising temperatures – in fact, it has no impact on the temperature inside a vehicle. Such studies demonstrate the shocking reality that children left in the back seat of a vehicle must face. Unfortunately, children's heatstroke deaths are far too common, and the lack of a standardized way to alert parents makes it harder to combat this fatal accident.

Any person is capable of forgetting about a child in a rear seat. The media has coined this phenomenon "Forgotten Baby Syndrome," a type of memory lapse. Although this terminology is no longer in use, the concept remains relevant. Dr. David Diamond, a professor of psychology at the University of South Florida, explains that competing factors in the brain lead to forgetfulness. The basal ganglia, or brain center, operates on a subconscious level and works independently of the hippocampus. The hippocampus controls our conscious awareness and works with the frontal cortex to plan future activities and events. When completing tasks that are part of your everyday routine, like driving to and from work, your basal ganglia takes over and your brain goes into "autopilot." These brain functions, combined with a change in your everyday routine, make it more likely for a child to be left in the back seat of a car due to a lapse in memory.

Though efforts have been made to educate parents and others who interact with small children each day of the dangers of leaving children unattended in cars, such efforts alone have been ineffective in addressing the problem. In recognition of this issue, several states have attempted to address this problem through legislation. Currently, nineteen states have unattended child laws that have language specifically addressing the issue of leaving a child unattended in a

vehicle. Additionally, fifteen states have enacted Good Samaritan Laws which protect individuals who take action to help a child that has been left unattended in a car.

While such laws seek to address the issue, preventative steps, such as a standardized alert system, would better address this tragedy. An innovation such as a universal alert system to check the back seat could be the difference between life and death for a child. Both the House and Senate have acknowledged the need for this type of innovation and have introduced legislation to help with prevention of child death from being left in an unattended vehicle.

On June 7, 2017, United States Representatives, including Tim Ryan, a Democrat from Ohio; Peter King, a Republican from New York; and Jan Schakowsky, a Democrat from Illinois, introduced H.R. 2801, the "Helping Overcome Trauma for Children Alone in Rear Seats Act," commonly known as the "HOT CARS Act of 2017." This federal legislation aims to impact the manufacturing of cars around the nation. The purpose of the HOT CARS Act is to minimize the probability that a parent will leave a child in a vehicle and reduce the possibility of death due to a heatstroke. United States Senators Richard Blumenthal, a Democrat from Connecticut, and Al Franken, a Democrat from Minnesota, introduced the Senate equivalent of HOT CARS Act on National Heatstroke Prevention Day. Both bills aim to stop this unnecessary occurrence.

The HOT CARS Act, both House and Senate versions, includes two fundamental provisions. The first, and most important provision of the Act, will require the United States Department of Transportation to issue a final rule requiring all new passenger motor vehicles to include a child safety system comprised of a standardized alert system installed as part of the vehicle's rear seating system. This rear seating system will alert the driver to check the back seat of the vehicle once it has been deactivated by the operator. The system will include distinct audio and visual signals that may be combined with a haptic signal. The second provision of the Act will include an amendment, titled "Unattended Passengers," that will use funds received from the HOT CARS Act of 2017 to finance a program that will educate the public on the dangers of leaving a child unattended in a motor vehicle that has been turned off. While educational programs can be effective by drawing attention to the issue and hopefully teaching parents to always check their back seats, the universal alert system will provide an additional means to ensure that the back seat check occurs, even if memory fails. If passed, the rule will require full compliance beginning September 1st of the calendar year that begins two years after the date on which the final ruling was issued.

The HOT CARS Act is a bi-partisan effort that has received widespread support from numerous members of Congress, public health organizations, consumer and safety organizations, and families who have lost children or who have had children sustain severe injuries from child vehicular heatstroke. Such widespread support is expected due to the devastating effects that the injury of or loss of a child can have, especially when due to a preventable accident.

As of September 6, 2017, H.R. 2801 passed in the House of Representatives as part of the SELF-DRIVE Act of 2017. Until the provisions are mandated, however, there are a few ways in which parents and guardians may act preventatively so as to make it less likely for them to leave children unattended in their vehicles. Safe Kids Worldwide, a nonprofit organization that works to keep children safe from injuries, has an ACT Now toolkit with tips for what individuals can do

to keep kids safe from heatstroke. One safety tip is to “look before you lock,” which tries to instill the habit of opening the back door to check the back seat before leaving your vehicle. This habit can be more easily formed by creating reminders to check the back seat by leaving essential items, such as a cell phone, briefcase, or purse in the back seat. Additionally, using technology to combat this issue is critical and commendable. Most cell phones have the capacity to use an individual's location services to create location-specific alarms and reminders. This could be an effective tool to use in order to keep children safe.

As a practical matter, even if the bill is passed, it will take some time before every car is equipped with this new technology. However, as of today, a few car companies, in recognition of the importance of addressing this issue, have already voluntarily taken steps to combat this tragedy. For example, General Motors introduced a rear seat reminder system in the GMC Acadia in the spring of 2016. The reminder is activated if a rear door is used ten minutes before or anytime the vehicle is on. Once the vehicle is turned off, the driver will hear five distinct chimes and see a dashboard message. These particular features are standard in over twenty types of GM cars. Similarly, Nissan also introduced an alert system that honks continuously if the driver leaves the car without opening the rear door. To address the safety concerns associated with older models of vehicles, which would not be affected by the mandatory provisions of the HOT CARS Act, technology has put its best foot forward by developing smartphone applications, such as Waze, which include options that can be activated to remind the driver to check the back seat once their destination is reached.

The HOT CARS Act legislation has the potential to correct human error and save hundreds of lives over the next decade. The statistics show that, since 1998, 770 infants and children have died from accidentally being left in the back seat of a vehicle. A universal alert system can dramatically decrease this number. While technology will not be the be-all and end-all of children being left in the back seats of vehicles unintentionally, it will nevertheless be impactful. Losing a child due to an accident is tragic on all fronts and with the number of deaths increasing, it is time to enact federal legislation help protect all children.

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