

NHTSA Finalizes Amended Rule on Child Restraint Systems

January 2, 2024

In December 2023, the National Highway Traffic Safety Administration (“NHTSA”) announced it had finalized amendments to Federal Motor Vehicle Safety Standard (“FMVSS”) 213 regarding child restraint systems (“CRS”).

These amendments, which become effective December 5, 2024, are intended to “modernize the standard,” according to NHTSA. Simultaneously, NHTSA issued a new FMVSS 213b, which includes the same updated requirements to FMVSS 213, but also updates the standard seat assembly NHTSA uses to test CRS for frontal crash performance. FMVSS 213b becomes mandatory on December 5, 2026.

NHTSA explained that it believed these new requirements would be easier to understand and implement if it issued requirements effective in one year in updated FMVSS 213, and requirements effective in three years in the new FMVSS 2013b. FMVSS 213 will “sunset,” according to NHTSA, when FMVSS 2013b becomes mandatory in 2026.

NHTSA’s stated goal for this rulemaking is “to ensure the continued effectiveness of CRSs in current and future vehicles, thereby reducing the unreasonable risk of fatality and injury to children in motor vehicle crashes.” The agency received wide overall support on the notice of proposed rulemaking that preceded these updates from a number of commenters, including CRS manufacturers, consumer advocates, research and testing organizations, and vehicle manufacturers, suppliers, and associations.

Among other things, NHTSA believes amended FMVSS 213 and new FMVSS 213b accomplish the following:

1. Updating the standard seat assembly specified by FMVSS 213 to better simulate “a single representative motor vehicle rear seat” (as directed by Congress in § 31501(b) of the Moving Ahead for Progress in the 21st Century Act).
2. Ensuring continued availability of CRS that can be used in older vehicles that only have Type 1 seat belts (lap seat belts) in rear seats.
3. Making it easier for parents and caregivers to register new CRS with manufacturers for purposes of receiving future recall notifications from the manufacturers.
4. Modifying labeling requirements for CRS manufacturers to specify the maximum height and weight for each mode in which a CRS can be used, as well as increasing the recommended weight threshold for forward-facing CRS and booster seat use.
5. Simplifying and making NHTSA’s compliance tests more reflective of typical real-world CRS use.
6. Permitting more types of add-on CRSs designed exclusively for use on school buses.

The full text of NHTSA’s final rule can be **found here**.

If you have questions about this NHTSA announcement or other regulatory matters, please contact your Miller Canfield attorney or one of the authors of this alert.