



DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571 [Docket No. NHTSA-2025-0046]

RIN 2127-AM62

Federal Motor Vehicle Safety Standard No. 213a; Child Restraint Systems – Side Impact Protection; Federal Motor Vehicle Safety Standard

No. 213; Child Restraint Systems, Federal Motor Vehicle Safety Standard No. 213b; Child Restraint Systems; Incorporation by Reference

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule; Grant of petitions for rulemaking and other amendments.

SUMMARY: This final rule amends the safety standards for child restraint systems (CRSs).

NHTSA is amending Federal motor vehicle safety standard (FMVSS) No. 213a, “Child restraint systems—side impact protection,” to exempt school bus CRSs from the standard’s requirements as long as they meet specified labeling requirements; to delay the compliance date from June 30, 2025 to December 5, 2026; to amend the dummy selection requirements so that the Child Restraint Air Bag Interaction twelve-month-old test dummy (CRABI-12MO) will not be used to test forward-facing CRSs; and to amend positioning procedures for that dummy. The first two of these amendments are in response to petitions from CRS manufacturers. NHTSA is also amending FMVSS No. 213, “Child restraint systems” and FMVSS No. 213b, “Child restraint systems; Mandatory applicability beginning December 5, 2026,” to exclude school bus CRSs from the requirements to provide attachments for connection to the vehicle’s child restraint anchorage system and to change certain labeling requirements to reflect how school bus child restraints are used.

DATES: *Effective date:* The effective date of this final rule is **[INSERT DATE 30 DAYS AFTER THE PUBLICATION OF THE FINAL RULE IN THE FEDERAL REGISTER]**.

Compliance date: The revised compliance date for FMVSS No. 213a is December 5, 2026. The compliance date for the updated labeling requirements in FMVSS No. 213 adopted by this final rule is **[INSERT DATE 90 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**. The compliance date for the updated labeling requirements in FMVSS No. 213b is December 5, 2026. Optional early compliance with FMVSS Nos. 213, 213a, and 213b is permitted. The incorporation by reference of certain material listed in this rule was approved by the Director of the Federal Register as of June 24, 2003 and December 5, 2023.

Reconsideration date: If you wish to petition for reconsideration of this rule, your petition must be received by **[INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: Petitions for reconsideration of this final rule must refer to the docket number set forth above and be submitted to the Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue S.E., Washington, D.C. 20590. Note that all petitions received will be posted without change to www.regulations.gov, including any personal information provided.

Docket: For access to the docket, go to www.regulations.gov, or the street address listed above. Follow the online instructions for accessing the dockets.

FOR FURTHER INFORMATION CONTACT: For technical issues, you may contact Cristina Echemendia, Office of Crashworthiness Standards (email: Cristina.Echemendia@dot.gov). For legal issues, you may contact John Piazza, Office of Chief Counsel (email: John.Piazza@dot.gov). You can reach these officials by phone at 202-366-1810. Address: National Highway Traffic Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue, S.E., West Building, Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Executive Summary

II. Background

III. Amendments to Side Impact Requirements (FMVSS No. 213a)

A. Exempt School Bus CRSs from Side Impact Requirements

B. Exclude the CRABI-12MO from Testing Forward-Facing CRSs and make Corresponding Amendments to the Dummy Positioning Procedures

C. Delay the Compliance Date from June 30, 2025 to December 5, 2026

IV. Amendments to Frontal Impact Requirements (FMVSS Nos. 213 and 213b) and 49 CFR 571.5

V. Cost and Benefits

VI. Incorporation by Reference

VII. Effective Date and Compliance Date

VIII. Regulatory Notices and Analyses

I. Executive Summary

This final rule amends three different safety standards: FMVSS No. 213, “Child restraint systems; Applicable unless a vehicle or child restraint system is certified to § 571.213b;” FMVSS No. 213b, “Child restraint systems; Mandatory applicability beginning December 5, 2026;” and FMVSS No. 213a, “Child restraint systems—side impact protection.” FMVSS Nos. 213, 213a, and 213b set out most of the agency’s safety requirements for CRSs.

NHTSA published a notice of proposed rulemaking (NPRM) preceding this final rule on May 30, 2025.¹ This final rule adopts all the proposals in the NPRM. NHTSA received 15 comments to the NPRM with wide support for the proposals. Two commenters (Graco and Dorel) opposed the proposed delay in the compliance date of FMVSS No. 213a.

Specifically, this final rule amends the side impact standard (FMVSS No. 213a) by:

¹ 90 FR 23009.

- Exempting school bus CRSs from the side impact requirements in FMVSS No. 213a because these requirements were not designed to apply to school buses, which do not pose the type of side-impact crash risks the standard was designed to address.
- Delaying the compliance date of FMVSS No. 213a from June 30, 2025 to December 5, 2026 to enable small manufacturers² to complete validation and conformance testing at oversubscribed third-party test facilities.
- Amending the dummy selection criteria in FMVSS No. 213a regarding the Child Restraint Air Bag Interaction twelve-month-old test dummy (CRABI-12MO)³ so that it will not be used to test forward-facing CRSs for side impact requirements in FMVSS No. 213a. NHTSA makes this change because the rulemaking prohibits CRS manufacturers from recommending forward-facing CRSs for children weighing less than 12 kg (26.5 pounds) and the CRABI-12MO represents a smaller child.
- Amending the positioning procedures for the CRABI-12MO to reflect that the dummy would no longer be tested with forward-facing CRSs.

This final rule also amends FMVSS No. 213, “Child restraint systems” and FMVSS No. 213b “Child restraint systems; Mandatory applicability beginning December 5, 2026,” by:

- Excluding school bus CRSs from the requirements to provide attachments for connection to the vehicle’s child restraint anchorage system because school bus CRSs are designed to be mounted to the seat back and seat pan, and school bus seats do not generally include anchorage systems.⁴

² In the context of this final rule a “small manufacturer” is referring to CRS manufacturers with smaller market share which do not typically have their own lab to develop their products.

³ 49 CFR Part 572, Subpart R—CRABI 12-Month-Old Infant, Alpha Version.

⁴ As defined in FMVSS No. 225, “Child restraint anchorage systems,” a child restraint anchorage system means a vehicle system that is designed for attaching a child restraint system to a vehicle at a particular designated seating position, consisting of: (a) Two lower anchorages meeting the requirements of § 571.225 S9; and (b) A tether anchorage meeting the requirements of § 571.225 S6.

- Amending the S5.5.2(g)(1)(ii) label statement requirement to be consistent with how school bus CRSs are installed.
- Making technical corrections to the regulatory text in FMVSS No. 213 S5.9(a) and 49 CFR 571.5 related to references to certain documents previously incorporated by reference.

II. Background

This final rule amends three different safety standards: FMVSS No. 213, “Child restraint systems; Applicable unless a vehicle or child restraint system is certified to § 571.213b;” FMVSS No. 213b, “Child restraint systems; Mandatory applicability beginning December 5, 2026;” and FMVSS No. 213a, “Child restraint systems—side impact protection.” FMVSS No. 213, established in the 1970s, sets out requirements for CRSs including requirements for frontal impact protection. FMVSS No. 213b, established in December 2023, updates aspects of FMVSS No. 213 and is set to replace FMVSS No. 213 on December 5, 2026. FMVSS No. 213a, established in June 2022, sets forth side impact protection requirements for CRSs.

On May 30, 2025, NHTSA published a notice of proposed rulemaking (NPRM) (90 FR 23009) in response to three petitions for reconsideration that NHTSA is treating as petitions for rulemaking.⁵ The NPRM proposed to exempt school bus CRSs from the side impact requirements and to delay the compliance date of FMVSS No. 213a. The NPRM also proposed to amend the dummy selection criteria in FMVSS No. 213a so that the CRABI-12MO would not be used to test forward-facing CRSs. The NPRM also proposed updates to FMVSS No. 213 and 213b to exclude school bus CRSs from requirements to provide attachments for connection to a vehicle’s child restraint anchorage system and to amend a label requirement for school bus CRSs

⁵ NHTSA received three petitions for reconsideration of the October 2024 (89 FR 81836) final rule responding to petitions for reconsideration of the December 2023 final rule (88 FR 84514) establishing FMVSS No. 213b, “Child restraint systems; Mandatory applicability beginning December 5, 2026.” However, the three petitions for reconsideration did not request any amendments to the October 2024 final rule and instead requested amendments to FMVSS No. 213a. Because the requests were outside the scope of the October 2024 final rule, and in accordance with NHTSA’s regulations, the agency decided to treat the three petitions for reconsideration as new petitions for rulemaking.

so the label reflects the attachment type (seat back mount) these CRSs use to attach to the school bus seat.

On July 2, 2025, NHTSA published a notice of enforcement discretion (90 FR 28909) that announced a temporary pause on NHTSA’s enforcement of the applicability of FMVSS No. 213a for CRSs produced on or after June 30, 2025 and until the date of publication of any rule finalizing NHTSA’s May 30, 2025 proposal.

There were fifteen (15) comments to the NPRM. Four comments were from individual CRS manufacturers—Dorel Juvenile Group, Inc. (Dorel); Graco Children’s Products, Inc. (Graco); IMMI; and BESI, Inc. (BESI). One comment was submitted jointly by six CRS manufacturers with relatively small market share—Baby Trend, Babyark, Diono, Doona (Traveler Innovations Ltd), KidsEmbrace, and WAYB—and one consulting firm (DECA Consulting).⁶ Eight comments were from private citizens, and two comments were from pupil transportation organizations: National Association of State Directors of Pupil Transportation Services (NASDPTS) and National Association of Pupil Transportation (NAPT). The NPRM generally received wide support from commenters except for two commenters opposing the delay in FMVSS No. 213a compliance date. Details of the comments and NHTSA’s response are provided in the following sections.

III. Amendments to Side Impact Requirements (FMVSS No. 213a)

A. Exempt School Bus CRSs from Side Impact Requirements

In the NPRM, the agency proposed to exclude school bus CRSs from side impact requirements in FMVSS No. 213a. This proposal was in response to IMMI⁷ and BESI⁸ petitions

⁶ Six of these commenters (Baby Trend, Babyark, Diono, Doona, KidsEmbrace, and Deca Consulting) were also among the group of CRS manufacturers and the consulting firm who petitioned for an extension in lead time for FMVSS No. 213a. In this notice, we refer to the signatories to the jointly submitted comment as the “Small CRS Manufacturers Group.”

⁷ NHTSA-2024-0058-0003.

⁸ NHTSA-2024-0058-0004

that requested NHTSA amend FMVSS No. 213a so that this type of restraint would not be subject to the side impact protection standard.

IMMI described in its petition its school bus CRS product named the “Student Transportation Add-on Restraint” (STAR), which consists of a harness attached to a rigid seat base that provides fixed anchorage points for the harness’s lap belt and crotch strap. IMMI explained that because the purpose of the STAR is to secure safely the child to the school bus seat, there is no shell component in this restraint to provide protection for side impact collisions. IMMI stated that “due to the nature of its design, [STAR] is not capable of meeting the newly established side impact requirements of FMVSS 213a.” It also explained what it viewed as the advantages of the product and noted that NHTSA has included this type of CRS in its training materials. IMMI and BESI each stated that unless school bus CRSs are excluded from side impact requirements, it would have to stop production of these CRSs (for the U.S. market) and that this would affect Head Start programs that require the use of child restraint systems in school bus transportation of their students.

Comments

Twelve commenters—IMMI, BESI, NASDPTS, NAPT, and eight private citizens⁹—supported the proposal to exclude school bus CRSs from FMVSS No. 213a requirements. No commenter opposed the proposal.

Agency Response

This final rule excludes school bus CRSs from the side impact requirements. As noted in the NPRM, school bus CRSs should be excluded because of practicability concerns about the ability of the school bus CRS to meet the proposed requirements and because school bus CRSs serve a niche market where the needs cannot be met by any other type of CRS. NHTSA also recognizes that the side impact crash environment of a school bus is significantly different from

⁹ Kimberly Loughlin, Jimmy Lacy, Susan Shutrump, Wilson Barnes, Jacob Whilhite, Judy Korn, Michelle Summers and an anonymous route coordinator for special needs students.

the simulated side impact test in FMVSS No. 213a, which simulates a near-side impact of a small passenger car. Accordingly, NHTSA corrects this inconsistency in FMVSS No. 213a and amends the applicability of the CRS side impact standard to exempt explicitly all school bus CRSs.

B. Exclude the CRABI-12MO from Testing Forward-Facing CRSs and Make

Corresponding Amendments to the Dummy Positioning Procedures

Child restraint systems must meet the performance requirements in FMVSS Nos. 213, 213a, and 213b when tested dynamically with specific anthropomorphic test devices (test dummies). FMVSS Nos. 213a and 213b specify testing with the CRABI-12MO for CRSs recommended for children weighing 5 kilograms (kg) (11 pounds) to 13.6 kg (30 pounds) and specify a 3-year-old dummy—the Hybrid III 3-year-old dummy¹⁰ for 213b and Q3s¹¹ for 213a—for testing CRSs recommended for children weighing greater than 13.6 kg (30 pounds) but not greater than 18 kg (40 pounds).¹² However, FMVSS No. 213b states that the CRABI-12MO will not be used to test forward-facing CRSs because recent updates to FMVSS No. 213 and 213b now require that forward-facing CRSs cannot be recommended for children weighing less than 12 kg (26.5 pounds). Therefore, testing a forward-facing CRS to the requirements of FMVSS No. 213a with a 10 kg (22 pounds) CRABI-12MO would not be appropriate, as the dummy’s weight is not within the recommended weight range of forward-facing CRSs. The NPRM therefore proposed to exclude forward-facing CRSs from being tested with the CRABI-12MO in the side impact test to align dummy selection specified in FMVSS No. 213a for the side impact test with that in FMVSS No. 213b for the frontal impact test. NHTSA proposed to add a sentence in S7.1(a) to state that the CRABI-12MO dummy will not be used to test forward-facing CRSs.

¹⁰ 49 CFR Part 572, Subpart P—3-year-Old Child Crash Test Dummy, Alpha Version

¹¹ 49 CFR Part 572, Subpart W—Q3s Three-Year-Old Child Test Dummy.

¹² FMVSS Nos. 213 and 213b have additional different sized dummies for evaluating frontal impacts.

Comments

Four CRS manufacturers (BESI, IMMI, Dorel and Graco) and a private citizen (Michelle Summers) supported the proposal to remove the requirement to test with the CRABI-12MO in forward-facing car seats during 213a testing. No commenter opposed the proposal.

Agency Response

This final rule amends FMVSS No. 213a so that the CRABI-12MO is not used to test a forward-facing child restraint system recommended for children weighing greater than 5 kg (11 pounds) but not greater than 13.6 kg (30 pounds), or for children whose height is greater than 650 millimeters but not greater than 870 millimeters. NHTSA believes CRSs should be tested with the same size test dummies in both the frontal impact and side impact tests to minimize burden on CRS manufacturers. NHTSA also believes that a requirement to test a CRS in a configuration that the agency prohibits CRS manufacturers from recommending is unnecessary and burdensome.

The agency is also finalizing its proposal to delete paragraphs S9.1(c) and (d) in FMVSS No. 213a because those sections contain positioning information relating to testing forward-facing CRSs with the CRABI-12MO, which are no longer relevant given the amendments described above. NHTSA is also amending S9.1(b). Currently, that section describes how to position the CRABI-12MO in a “forward-facing” child restraint system. Instead, S9.1(b) will now indicate how to position the CRABI-12MO dummy in CRSs used rear-facing using the same procedure in FMVSS No. 213b for consistency between the standards. For completeness, the update also includes the rotation plane required for positioning the dummy’s arm.

C. Delay the Compliance Date from June 30, 2025 to December 5, 2026

The petition for rulemaking from the group of CRS manufacturers¹³ requested a delay of the June 30, 2025 compliance date of the CRS side impact standard, FMVSS No. 213a, to prevent “significant market disruption resulting from a reduced availability of child restraint

¹³ BabyTrend, Babyark, DECA Consulting, Diono, Doona, KidsEmbrace, Peg Perego, and Safe Traffic System.

systems and higher costs than necessary for those that are available.” The petitioners argued that the extension is needed because of “inconsistent results within individual labs and lab to lab variation,” and the limited “availability of compliance lab sled time” to develop their products to certify compliance with the new standard. CRS manufacturers with smaller market share (such as the petitioners) do not typically have their own lab to develop their products and are dependent on commercial compliance lab sled time. The petitioners suggested that the agency consider moving the FMVSS No. 213a compliance date to December 5, 2026 to match the compliance date of FMVSS No. 213b. In the NPRM, NHTSA proposed to grant the petition to delay the compliance date of FMVSS No. 213a to December 5, 2026.

Comments

Five commenters—IMMI, BESI, a group of six CRS manufacturers and one consulting company (the Small CRS Manufacturers Group), and 2 private citizens—supported the proposal to delay the FMVSS No. 213a compliance date to December 5, 2026. Two CRS manufacturers—Dorel and Graco—opposed it. Dorel and Graco are CRS manufacturers with a larger share of the market and have their own test labs, which facilitates product development because they are not as dependent on commercial lab sled time for their development work.

Specifically, the Small CRS Manufacturers Group commented that they would need to cease the production of certain models and delay production of other models if the compliance date was not delayed, resulting in reduced availability of child restraints in the market. This group added that variance in their sled test outcomes resulted in the need to test the CRS designs in multiple laboratories. The Small CRS Manufacturers Group further explained that increased demand for CRS sled testing has caused delays in test lab availability, which in turn lengthened the development timeline for compliant designs. These commenters stated that delaying the compliance date to December 5, 2026, would provide the necessary time to complete development and validation of the new CRS designs, while preventing market disruption that could reduce availability of compliant CRSs or increase costs to consumers.

In contrast, Dorel opposed delaying the FMVSS No. 213a compliance date. Dorel stated that the arguments from the “relatively small car seat manufacturers” (petitioners) that there would be a significant market disruption resulting in reduced availability of CRSs were “without merit.” Dorel explained that it, together with several other manufacturers, sell most car seats in the U.S. and have already begun selling FMVSS No. 213a-compliant CRSs for several months. Dorel also claimed that even some of the petitioners have FMVSS No. 213a compliant CRSs in the market already. Dorel concluded that the market disruption claimed by the petitioners “is not supported by the evidence.” Dorel also added that the petitioner’s concerns on variability would not be solved by the delay in compliance date and stated that only additional research would help identify the sources of variation.

Similarly, Graco did not support a delay of the FMVSS No. 213a compliance date because, Graco stated, most manufacturers already updated their products to meet the new side impact requirements. Graco explained that shortly after the final rule was published, retailers expressed their desire to carry only FMVSS No. 213a-certified products by the compliance date. Graco added that retailers have been purchasing FMVSS No. 213a certified CRSs since the fall of 2024 and that retailers have been discontinuing purchases of products not meeting the side impact standard. Graco argued that a shortage of products does not and will not exist because the “absence of the petitioner’s products has already been accounted for by retailer purchasing decisions.” Graco also added that since belt positioning boosters would not need to meet FMVSS No. 213a, there would be no shortage of belt positioning boosters in the market.

Graco also stated that the compliance date delay would “punish in the marketplace those companies that invested in compliance to the provisions of FMVSS No. 213a under the original three-year schedule.” Graco explained that since the new dummy selection criteria indicates CRSs recommended for 13.6 kg (30 pounds) or more would be tested with the Q3s dummy, FMVSS No. 213a compliant rear-facing only CRSs already have updated product instructions, labels, marketing and promotional materials to reflect a 30 pounds maximum weight limit. Graco

added that the compliance date delay would allow non-FMVSS No. 213a compliant products to continue selling infant carriers for children weighing more than 30 pounds, which some consumers may choose instead, even though they are not FMVSS No. 213a compliant. Graco also argued that granting the extension would “forgo some or all of the societal benefits of injury prevention.”¹⁴

Dorel also asked for a clarification on footnote 26 in the NPRM that states: “It would be permissible for manufacturers to recommend a seat for forward-facing use for a subset of children weighing between 10 kg (22 pounds) and 13.6 kg (30 pounds) - namely, children weighing less than 12 kg (26.5 pounds) – but NHTSA has decided not to specify the CRABI-12MO for testing CRS designated for forward-facing ...”

Agency Response

After considering the comments, NHTSA has decided to delay the compliance date of FMVSS No. 213a to December 5, 2026. When considering the impacts resulting from the delay in the compliance date, NHTSA takes into account the entirety of the CRS market. The agency considered the potential negative impacts to small manufacturers that may result in long-term impacts to market competition if some are forced to exit the market should an extension not be granted. Similarly, the agency considered the negative impacts to those manufacturers that are already complying with the requirement, but also noted that those manufacturers may gain a competitive advantage during the extension in lead time. Overall, the agency concluded that the negative impacts to the market would be greater in the case that delay in the compliance date was not granted.

NHTSA is mindful of the disparate effect of regulations on small and large manufacturers. Small manufacturers, such as the petitioners, may find it more costly and time

¹⁴ Graco also argued that, if NHTSA extended the compliance date, it would happen after the mandatory compliance date (June 30, 2025) for FMVSS No. 213a. As explained earlier in this document, on July 2, 2025 NHTSA published a notice of enforcement discretion announcing a temporary pause on the enforcement of the applicability of FMVSS No. 213a for CRSs produced on or after June 30, 2025 until the date of publication of any rule finalizing NHTSA’s May 30, 2025 proposal.

consuming to comply with the regulation due to lack of their own testing facilities. This can potentially lead small manufacturers to exit the CRS market, resulting in reduced competition and consumer options. The agency considered the potential burden that small manufacturers may face when developing and testing their products to meet the FMVSS No. 213a requirements by the original compliance date of June 30, 2025. Rather than creating specific requirements for these small CRS manufacturers to relieve regulatory burden, the agency decided to extend the lead time afforded to all CRS manufacturers. The delay in compliance date provided in this final rule would ease the burden on small manufacturers and make it less likely that they would be forced to exit the CRS market, thereby helping to preserve competition and consumer choice in the CRS market without significant loss in safety benefits. The costs and benefits of this final rule are further discussed in section V.

The agency has also concluded that CRS manufacturers whose products are already in compliance with FMVSS No. 213a would not be negatively impacted by this final rule. The agency acknowledges that several CRS manufacturers have expended time and resources to meet the requirements of FMVSS No. 213a by the original compliance date of June 30, 2025. Furthermore, many of those manufacturers have demonstrated voluntary early compliance to FMVSS No. 213a. Those manufacturers that would continue to comply with the requirement even under the extended time before the new compliance date will provide a societal benefit through the safety benefits realized by their improved CRSs. These manufacturers may also gain a competitive advantage relative to those manufacturers that do not comply with the standard during the extended time. As noted by Graco, manufacturers that are not yet certifying their applicable CRSs to FMVSS No. 213a are unable to sell their products to bigger retailers that require the certification. These manufacturers may still be able to sell their products in some retail stores or directly to the consumer but would miss the advantages of larger retail stores. Caregivers in the process of purchasing a child restraint may prefer CRSs that have additional safety features, such as FMVSS-certified side impact protection, to enhance crash protection to

their children. With respect to Graco’s argument that a delay in the compliance date would punish the manufacturers that are already complying with the side impact requirements because CRS manufacturers that do not have CRSs that meet FMVSS No. 213a (or FMVSS No. 213b) requirements can still market their infant carriers (rear-facing CRSs) for children weighting over 30 pounds, NHTSA reviewed the available infant carriers in the current market and the vast majority are already recommending infant carriers for children weighing 30 pounds or less. There is a small number of infant carriers recommended for children weighing 35 pounds or less. However, due to the small number of such models and because these models are from small manufacturers, those volumes would not likely be significant enough to disadvantage bigger manufacturers that are already complying with FMVSS No. 213a.¹⁵

Regarding Dorel’s request to clarify footnote 26 in the NPRM, NHTSA clarifies that the footnote is incorrect. The footnote should have stated “It would be permissible for manufacturers to recommend a seat for forward-facing use for a subset of children weighing between 10 kg (22 pounds) and 13.6 kg (30 pounds) – namely, children weighing more than 12 kg (26.5 pounds) – but NHTSA has decided not to specify the CRABI-12MO for testing CRS designated for forward-facing use for such children to simplify the requirements.”

IV. Amendments to Frontal Impact Requirements (FMVSS Nos. 213 and 213b) and 49 CFR 571.5

The NPRM proposed to exclude “school bus CRSs” from the FMVSS Nos. 213 and 213b S5.9(a) requirements for CRSs to provide lower anchor attachments. These attachments are unnecessary for school bus CRSs because these CRSs attach to the school bus seat using a seat back mount. The NPRM also proposed to amend the labeling requirements in S5.5.2(g)(1)(ii) of FMVSS Nos. 213 and 213b regarding how to secure the CRS to the vehicle. Because the requirement lists the “child restraint anchorage system” or “vehicle belt” as methods to attach the

¹⁵ We note that the standard does not limit infant carriers from being recommended for children over 30 pounds. However, the standard does require the infant carrier to be tested with the Q3s dummy if it is recommended for children over 30 pounds.

CRS to the vehicle, NHTSA proposed to adopt a requirement specific for school bus CRSs that states that the school bus child restraint is secured to the school bus seat using the child restraint's seat back mount instead of the "child restraint anchorage system or vehicle belt" because those methods of attachment are not applicable when using school bus CRSs.

Comments

Eleven commenters—2 CRS manufacturers (IMMI and BESI), NASDPTS, NAPT and 7 private citizens¹⁶—supported the proposal to exclude school bus CRSs from the requirement to provide lower anchorage attachments in FMVSS Nos. 213 and 213b. No commenter opposed the proposal.

Agency Response

NHTSA is amending FMVSS Nos. 213 and 213b to exclude "school bus CRSs" from the S5.9(a) requirements and amending S5.5.2(g)(1)(ii) so that the required labeling statement reflects that school bus CRSs are attached using a seat back mount. In addition, to align with the installation methods used to test CRSs under FMVSS Nos. 213 and 213b, the updated labeling requirement in section S5.5.2(g)(1)(ii) will allow manufacturers to indicate either a seat back mount or a seat back and seat pan mount as acceptable installation options for school bus child restraints.

NHTSA is also making two technical corrections to the regulatory text related to paragraph S5.9 in FMVSS Nos. 213 and 213b. First, paragraph S5.9(a) in FMVSS No. 213b references NHTSA Standard Seat Assembly; FMVSS No. 213, No. NHTSA-213-2021, (March 2023), which is incorporated by reference in 571.5(k)(6). The final rule corrects the formatting of the title of this document in 571.5(k)(6). Second, paragraph S5.9 in FMVSS No. 213 references (among other things) "Drawing Package SAS-100-1000, Standard Seat Belt Assembly with Addendum A." As S5.9 notes, this document is incorporated by reference in § 571.5(k)(2).

¹⁶ Kimberly Loughlin, Jimmy Lacy, Susan Shutrump, Wilson Barnes, Jacob Whilhite, Judy Korn, Michelle Summers.

For clarification, NHTSA is amending S5.9 to add the phrase “Seat Base Weldment” to the title of this document.

V. Costs and Benefits

Due to the change in compliance date, some of the benefits and costs associated with meeting the requirement of FMVSS No. 213a will be delayed. The NPRM estimated a cost savings to consumers of approximately \$10.58 million assuming all CRS manufacturers would delay compliance with FMVSS No. 213a to December 5, 2026. However, because Dorel and Graco have noted in their comments that most of their applicable products are now compliant with FMVSS No. 213a, NHTSA is revising the estimated cost savings to reflect our revised assumption that 100 percent of applicable CRSs from large manufacturers, 50 percent of CRSs from medium-size manufacturers, and 0 percent of CRSs from small manufacturers will be certified to FMVSS No. 213a prior to the compliance date of December 5, 2026. The revised estimates also assume that the large, medium and small manufacturers have a 60 percent, 30 percent, and 10 percent market share, respectively.

The revised analysis estimates that the cost savings to consumers resulting from a delay in the compliance date for FMVSS No. 213a from June 30, 2025 to December 5, 2026 is approximately \$2.65 million. When discounting at three and seven percent, this final rule would result in cost savings to society of approximately \$2.59 million and \$2.53 million, respectively. Because most large CRS manufacturers are already certifying their products to FMVSS No. 213a and these CRSs account for most CRSs currently sold by large retailers, a great portion of the benefits estimated for the June 2022 final rule (annually 3.7 lives saved and 40.9 serious injuries prevented) would still be realized. The delay in the compliance date provided in this final rule would ensure small manufacturers are not forced to exit the CRS market, thereby

preserving competition and consumer choice in the CRS market without significant loss in safety benefits. The full analysis of these cost savings is docketed along with this final rule.¹⁷

Similar to the cost savings from the extended lead time of the compliance date discussed above, exempting school bus CRSs from the side impact requirements may result in a cost savings for manufacturers, as it is likely that school bus CRS manufacturers that could not comply with FMVSS No. 213a by June 30, 2025 would have had to stop manufacturing school bus CRSs. Exempting school bus CRSs from compliance with FMVSS No. 213a would ensure that school bus CRS manufacturers can continue to manufacture their products after June 30, 2025. There are potential safety benefits by exempting school bus child restraint systems from side impact protection requirements and lower anchorages attachment requirements by ensuring these products can continue to be sold to head start programs and daycares.

Removing the requirement to test CRSs in forward facing mode with the CRABI-12MO for side impact protection, would have no impacts on safety but would reduce yearly testing costs by approximately \$1.29 million.¹⁸

Finally, exempting school bus CRSs from compliance with the FMVSS Nos. 213 and 213b lower anchorages attachment requirements will likely result in a cost savings. If the agency did not adopt this amendment, school bus CRSs would need to be equipped with hardware that would allow the school bus CRSs to attach to the lower anchorages in a motor vehicle other than a school bus. This would be unnecessary, as school bus CRSs are not designed for use in other types of motor vehicles. In addition, FMVSS Nos. 213 and 213b have a requirement that school bus CRSs must be labeled to inform the consumer that school bus CRSs are for use only in school buses. Accordingly, the agency believes there would be some cost savings associated with

¹⁷ The Final Regulatory Evaluation (FRE) of FMVSS No. 213a; Child Restraint Systems – Side Impact Protection will be docketed along with this final rule.

¹⁸ There are currently 48 convertible CRS models, 60 all-in-one CRS models and 21 combination CRS models. Each forward-facing convertible, combination and all-in-one CRS would no longer be tested using the CRABI-12MO in a forward-facing configuration. The cost of a side impact sled test is estimated at \$5,000. Therefore, the temporary additional test cost is estimated to be \$1,290,000 (129 CRS Models X \$5000 X 2 test installation configurations with CRABI-12MO in forward-facing mode).

exempting school bus CRSs from this unnecessary attachment requirement. However, the agency is unable to estimate those cost savings. Exempting school bus CRSs from this lower anchorage attachment requirement is not expected to impact safety because school bus CRSs are attached to the school bus seat using the school bus CRS seat back mount. Therefore, there is no change in the safety benefits associated with this amendment in the final rule.

VI. Incorporation by Reference

The following materials appear in the amendatory text of this final rule and have already been approved for the locations in which they appear:

- Drawing Package SAS-100-1000, Standard Seat Belt Assembly with Addendum A, Seat Base Weldment (approved June 24, 2003);
- Drawing Package, “NHTSA Standard Seat Assembly; FMVSS No. 213, No. NHTSA-213-2003” (approved June 24, 2003); and
- NHTSA Standard Seat Assembly; FMVSS No. 213, No. NHTSA-213-2021 (March 2023) (approved December 5, 2023).

This final rule makes no changes to the IBR material.

VII. Effective Date and Compliance Date

The Administrative Procedure Act requires a 30-day delay in effective date for final rules unless an exception applies. *See* 5 U.S.C. 553(d). The amendments in this final rule become effective **[INSERT DATE 30 DAYS AFTER THE PUBLICATION OF THE FINAL RULE IN THE FEDERAL REGISTER]**.

As explained earlier, this final rule delays the compliance date for FMVSS No. 213a to December 5, 2026 to preserve competition and consumer choice in the CRS market without significant loss in safety benefits.

The compliance date for the updated labeling requirements in FMVSS No. 213 adopted by this final rule is 90 days after the effective date of the final rule. The compliance date for the updated labeling requirements in FMVSS No. 213b is December 5, 2026; this is the same as the

date that CRSs must be certified to the new standard. NHTSA notes that the NPRM proposed that the compliance date for the updates to the labeling requirements in FMVSS Nos. 213 and 213b to be the same as the effective date of the final rule. However, manufacturers of school bus child restraints may need additional time to make the necessary updates to the labels to comply with the updated labeling requirements. Therefore, the final rule provides 90 days for compliance with the updated labeling requirements in FMVSS No. 213. Because the compliance date for FMVSS No. 213b is December 5, 2026, there is already sufficient time for manufacturers to comply with the updated labeling requirements in 213b.

NHTSA is permitting optional early compliance with FMVSS Nos. 213, 213a, and 213b to facilitate early adoption of CRS designs and consumer information that would enhance child passenger safety. If early compliance is chosen by a manufacturer for a CRS model, the CRS model must meet all applicable requirements in FMVSS No. 213, including the amendments to FMVSS No. 213 made by this final rule, or meet all applicable requirements in FMVSS No. 213b, including the updates made in this final rule. The manufacturer also has the option to comply early (before December 5, 2026) with FMVSS No. 213a side impact requirements, including the updates made in this final rule and likewise must meet all applicable requirements in FMVSS No. 213a.

VIII. Regulatory Notices and Analyses

Executive Order 12866, Executive Order 14192, and DOT Regulatory Policies and Procedures

NHTSA has considered the impact of this rule under Executive Order (E.O.) 12866 and E.O. 14192. This final rule is not considered to be significant, and NHTSA has considered the cost savings of the final rule under the principles of these executive orders. Please refer to Section V, Costs and Benefits, for this discussion. This final rule is an E.O. 14192 deregulatory action.

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996), whenever an agency is required to publish a notice of proposed rulemaking or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations and small governmental jurisdictions), unless the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. Agencies must also provide a statement of the factual basis for this certification.

I certify that this rulemaking action will not have a significant economic impact on a substantial number of small entities. Small businesses are defined using the North American Industry Classification System (NAICS) code. One of the criteria for determining size, as stated in 13 CFR 121.201, is the number of employees in the firm. While there is no separate NAICS code for child restraint manufacturers, there are three other categories that could be appropriate: “Motor Vehicle Seating and Interior Trim” Category (NAICS 336360, 1500 employees); “All Other Motor Vehicle Parts Manufacturing” category (NAICS 336390, 1000 employees); and “All Other Transportation Equipment Manufacturing” category (NAICS 336999, 1000 employees). In the Final Regulatory Impact Analysis for the side impact protection final rule,¹⁹ NHTSA determined that none of the CRS manufacturers would be classified as small businesses based on the lowest employee threshold in effect at that time for these three NAICS categories (500 employees). Since that time the NAICS thresholds have been increased from the threshold of 500 employees. Even if any of these CRS manufacturers would be classified as small businesses under the current SBA business size thresholds, NHTSA has determined that this rule will not have a significant economic impact on any CRS manufacturer. In this deregulatory rule responding to petitions for reconsideration of an earlier rulemaking, NHTSA amends FMVSS No. 213a, “Child restraint systems – side impact protection” to exempt school bus CRSs that

¹⁹ Docket NHTSA-2022-0051.

meet specified labeling requirements from the standard; to delay the compliance date from June 30, 2025 to December 5, 2026; to amend the dummy selection requirements so that the Child Restraint Air Bag Interaction twelve-month-old test dummy (CRABI-12MO) will not be used to test forward-facing CRSs; and to amend in a corresponding manner positioning procedures for that dummy. NHTSA also amends FMVSS No. 213, “Child restraint systems” and FMVSS No. 213b, “Child restraint systems; Mandatory applicability beginning December 5, 2026,” to exclude school bus CRSs from the requirements to provide lower anchorage attachments for connection to a vehicle’s child restraint anchorage system and to change certain labeling requirements to reflect how school bus child restraints are used. NHTSA has determined that the rule will likely result in cost savings to CRS manufacturers.

Federalism

NHTSA has examined this final rule pursuant to E.O. 13132 (64 FR 43255, August 10, 1999) and concluded that no additional consultation with States, local governments or their representatives is mandated beyond the rulemaking process. The agency has concluded that the rulemaking would not have sufficient federalism implications to warrant consultation with State and local officials or the preparation of a federalism summary impact statement. This final rule would not have “substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government.”

NHTSA rules can have preemptive effect in two ways. First, the National Traffic and Motor Vehicle Safety Act contains an express preemption provision stating that, if NHTSA has established a standard for an aspect of motor vehicle or motor vehicle equipment performance, a State may only prescribe or continue in effect a standard for that same aspect of performance if the State standard is identical to the Federal standard.²⁰ It is this statutory command by Congress

²⁰ 49 U.S.C. 30103(b)(1).

that preempts any non-identical State legislative and administrative law addressing the same aspect of performance.

The express preemption provision described above is subject to a savings clause under which “[c]ompliance with a motor vehicle safety standard prescribed under this chapter does not exempt a person from liability at common law.”²¹ Pursuant to this provision, State common law tort causes of action against motor vehicle manufacturers that might otherwise be preempted by the express preemption provision are generally preserved.

NHTSA rules can also preempt State law if complying with the FMVSS would render the motor vehicle manufacturers liable under State tort law. Because most NHTSA standards established by an FMVSS are minimum standards, a State common law tort cause of action that seeks to impose a higher standard on motor vehicle manufacturers will generally not be preempted. However, if and when such a conflict does exist—for example, when the standard at issue is both a minimum and a maximum standard—the State common law tort cause of action is impliedly preempted.²²

Pursuant to E.O. 13132, NHTSA has considered whether this final rule could or should preempt State common law causes of action. The agency’s ability to announce its conclusion regarding the preemptive effect of one of its rules reduces the likelihood that preemption will be an issue in any subsequent tort litigation. To this end, the agency has examined the nature (*e.g.*, the language and structure of the regulatory text) and objectives of this final rule and finds that this final rule, like many NHTSA rules, prescribes only a minimum safety standard. Accordingly, NHTSA does not intend that this final rule preempt State tort law that would effectively impose a higher standard on motor vehicle manufacturers than that established by this final rule. Establishment of a higher standard by means of State tort law would not conflict with

²¹ 49 U.S.C. 30103(e).

²² See *Geier v. American Honda Motor Co.*, 529 U.S. 861 (2000).

the minimum standard finalized in this document. Without any conflict, there could not be any implied preemption of a State common law tort cause of action.

Executive Order 12988 (Civil Justice Reform)

When promulgating a regulation, agencies are required under E.O. 12988 to make every reasonable effort to ensure that the regulation, as appropriate: (1) specifies in clear language the preemptive effect; (2) specifies in clear language the effect on existing Federal law or regulation, including all provisions repealed, circumscribed, displaced, impaired, or modified; (3) provides a clear legal standard for affected conduct rather than a general standard, while promoting simplification and burden reduction; (4) specifies in clear language the retroactive effect; (5) specifies whether administrative proceedings are to be required before parties may file suit in court; (6) explicitly or implicitly defines key terms; and (7) addresses other important issues affecting clarity and general draftsmanship of regulations.

NHTSA has reviewed this rulemaking and determined that this rulemaking action conforms to the applicable standards in sections 3(a) and 3(b)(2) of EO 12988, Civil Justice Reform. The issue of preemption is discussed above in connection with E.O. 13132 (Federalism). NHTSA believes that this final rule specifies clearly the changes made to FMVSS Nos. 213, 213a, and 213b, defines any necessary key terms, and provides a clear legal standard for manufacturers to follow. The amendments do not take effect retroactively. NHTSA notes further that there is no requirement that an individual submit a petition for reconsideration or pursue other administrative proceedings before they may file suit in court.

Executive Order 13609 (Promoting International Regulatory Cooperation)

E.O. 13609, “Promoting International Regulatory Cooperation,” promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

NHTSA participates in the negotiation and development of technical standards for Safety Glazing in the United Nations Economic Commission for Europe (UNECE) World Forum for Harmonization of Vehicle Regulations (WP.29). As a signatory member, NHTSA is obligated to initiate rulemaking to incorporate safety requirements and options specified in Global Technical Regulations (GTRs) if the U.S. votes in the affirmative to establish the GTR. No GTR for child restraint systems has been developed at this time.

NHTSA has analyzed this rule under the policies and agency responsibilities of E.O. 13609 and has determined this rulemaking will have no effect on international regulatory cooperation.

National Environmental Policy Act

The Department has analyzed the environmental impacts of this rulemaking pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*). Pursuant to 49 CFR 1.81, the Secretary has delegated the “functions” under NEPA to the Administrators “as they relate to the matters within the primary responsibility of each Operating Administration.” NHTSA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4). Categorical exclusions are actions identified in an agency’s NEPA procedures that do not normally have a significant impact on the environment and therefore do not require either an environmental assessment (EA) or environmental impact statement (EIS). This rulemaking amends FMVSS No. 213a, “Child restraint systems—side impact protection,” to exempt school bus CRSs from the standard’s requirements as long as they meet specified labeling requirements; to delay the compliance date from June 30, 2025 to December 5, 2026; and to provide that the Child Restraint Air Bag Interaction twelve-month-old (CRABI)-12MO test dummy will not be used to test forward-facing CRSs. The first two of these amendments are in response to petitions from CRS manufacturers. NHTSA is also amending FMVSS No. 213, “Child restraint systems” and FMVSS No. 213b, Child restraint systems; Mandatory applicability beginning December 5, 2026, to exclude school bus CRSs from the requirements to

provide attachments for connection to the vehicle's child restraint anchorage system. This rulemaking is categorically excluded pursuant to 23 CFR 771.118(c)(4) (Planning and administrative activities that do not involve or lead directly to construction, such as: Training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand). NHTSA does not anticipate any environmental impacts, and there are no extraordinary circumstances present in connection with this rulemaking.

Paperwork Reduction Act

Under the procedures established by the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*), a Federal agency must request and receive approval from the Office of Management and Budget (OMB) before it collects certain information from the public and a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. This final rule does not establish or modify any information collection requirements as defined by OMB in 5 CFR part 1320.

Unfunded Mandates Reform Act (UMRA)

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) (UMRA) requires Federal agencies to assess the effects of regulatory actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of \$184 million (the value equivalent of \$100 million in 1995, adjusted for inflation to 2024) or more in any one year. This final rule does not contain Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local and Tribal governments, or the private sector of \$206 million or more in any one year. Thus, the analytical requirements of the UMRA do not apply to this action.

National Technology Transfer and Advancement Act

Under the National Technology Transfer and Advancement Act of 1995 (NTTAA) (Pub. L. 104-113), "all Federal agencies and departments shall use technical standards that are

developed or adopted by voluntary consensus standards bodies, using such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments.” Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures and business practices) developed or adopted by voluntary consensus standards bodies, such as the International Organization for Standardization (ISO) and the Society of Automotive Engineers (SAE). The NTTAA directs this agency to provide Congress, through OMB, explanations when we decide not to use available and applicable voluntary consensus standards. There are no voluntary consensus standards developed by voluntary consensus standards bodies pertaining to this final rule.

Executive Order 13175

E.O. 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. NHTSA has assessed the impact of this rule on Indian tribes and determined that this rule does not have tribal implications that require consultation under E.O. 13175.

E-Government Act Compliance

NHTSA is committed to complying with the E-Government Act, 2002 to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes. The E-Government Act of 2002 (Pub. L.107-347, sec. 208, 116 Stat. 2899, 2921, Dec. 17, 2002), requires Federal agencies to conduct a privacy impact assessment for new or substantially changed technology that collects, maintains, or disseminates information in an identifiable form. No new or

substantially changed technology would collect, maintain, or disseminate information as a result of this rule. Accordingly, NHTSA has not conducted a privacy impact assessment.

Plain Language Requirement

E.O. 12866 requires each agency to write all rules in plain language. Application of the principles of plain language includes consideration of the following questions:

- Have we organized the material to suit the public's needs?
- Are the requirements in the rule clearly stated?
- Does the rule contain technical language or jargon that is not clear?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the rule easier to understand?
- Would more (but shorter) sections be better?
- Could we improve clarity by adding tables, lists, or diagrams?
- What else could we do to make the rule easier to understand?

NHTSA has considered these questions and attempted to use plain language in promulgating this final rule. Please inform the agency if you can suggest how NHTSA can improve its use of plain language.

Privacy Act

Petitions for review of the final rule will be placed in the docket. Anyone is able to search the electronic form of all documents received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, see <https://www.transportation.gov/privacy>. To see the list of DOT's systems of records notices, please visit <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>.

Regulatory Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading at the beginning of this document may be used to find this action in the Unified Agenda.

List of Subjects in 49 CFR Part 571

Motor vehicle safety, Motor vehicles, Incorporation by reference.

In consideration of the foregoing, NHTSA proposes to amend 49 CFR part 571 as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 571 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.95.

2. Amend § 571.5 by revising paragraph (k)(6) to read as follows:

§ 571.5 Matter incorporated by reference.

* * * * *

(k) * * *

(6) Parts List and Drawings—NHTSA Standard Seat Assembly; FMVSS No. 213, No. NHTSA-213-2021—Child Frontal Impact Sled, March 2023; into § 571.213b.

* * * * *

3. Amend § 571.213 by:

- a. Revising paragraphs S5(g), S5.5.2(g)(1)(ii), and S5.9(a); and
- b. In paragraph S6.1.1(a)(1)(ii), removing the text “(consisting of drawings and a bill of materials)”.

The revisions read as follows:

§ 571.213 Child restraint systems; Applicable unless a vehicle or child restraint system is certified to § 571.213b.

* * * *

S5 * *

(g) Each add-on child restraint system manufactured for use in motor vehicles, that is recommended for children in a weight range that includes weights up to 18 kg (40 pounds), or for children in a height range that includes heights up to 1100 millimeters, shall meet the requirements in this standard and the additional side impact protection requirements in Standard No. 213a (§ 571.213a). Excepted from Standard No. 213a are harnesses, school bus child restraint systems, and car beds.

* * * *

S5.5.2* * *

(g) * * *

(1) * * *

(ii) Secure this child restraint with the vehicle's child restraint anchorage system, if available, or with a vehicle belt. [For school bus child restraint systems, the preceding statement does not apply.] [For car beds, harnesses, and belt positioning seats, the first part of the statement regarding attachment by the child restraint anchorage system is optional.] [For belt-positioning seats, the second part of the statement regarding attachment by the vehicle belt does not apply.]

[School bus child restraint systems manufactured on or after **[INSERT DATE 90 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]** must use the following statement: Secure this school bus child restraint using the child restraint's (insert the words "seat back mount" or "seat back and seat pan mount" as appropriate).]

* * * *

S5.9 * * *

(a) Each add-on child restraint system other than a car bed, harness, school bus child restraint system, and belt-positioning seat, shall have components permanently attached to the system that enable the restraint to be securely fastened to the lower anchorages of the child restraint

anchorage system specified in Standard No. 225 (§ 571.225) and depicted in Drawing Package SAS-100-1000, Standard Seat Belt Assembly with Addendum A, Seat Base Weldment or in Drawing Package, “NHTSA Standard Seat Assembly; FMVSS No. 213, No. NHTSA-213-2003” (both incorporated by reference, see § 571.5). The components must be attached by use of a tool, such as a screwdriver. In the case of rear-facing child restraints with detachable bases, only the base is required to have the components.

* * * * *

4. Amend § 571.213a by:

a. Revising paragraph S3;

b. In paragraph S4, adding, in alphabetical order, a definition for “school bus child restraint system”;

c. Revising paragraphs S7.1(a) and S9.1(b); and

d. Removing paragraphs S9.1(c) and S9.1(d).

The addition and revisions read as follows:

§ 571.213a; Child restraint systems - Side Impact Protection - Mandatory applicability beginning December 5, 2026

* * * * *

S3 Application. This standard applies to add-on child restraint systems that are either recommended for use by children in a weight range that includes weights up to 18 kilograms (40 pounds) regardless of height, or by children in a height range that includes heights up to 1100 millimeters regardless of weight, except for car beds, school bus child restraint systems, and harnesses.

S4 * * *

* * * * *

School bus child restraint system means an add-on child restraint system (including a harness) manufactured and sold only for use on school bus seats that has a label conforming with S5.3.1(b) of FMVSS No. 213b (§ 571.213b).

* * * *

S7.1 * * *

(a) A child restraint that is recommended by its manufacturer in accordance with S5.5 of Standard No. 213 (§ 571.213) for use either by children in a specified mass range that includes any children having a mass greater than 5 kilograms but not greater than 13.6 kilograms, or by children in a specified height range that includes any children whose height is greater than 650 millimeters but not greater than 870 millimeters, is tested with a CRABI 12-month-old test dummy conforming to 49 CFR part 572 subpart R, provided, however, that the CRABI 12-month-old dummy is not used to test a forward-facing child restraint system.

* * * *

S9.1 * * *

(b) When testing child restraint systems rear-facing, extend the dummy's arms vertically upwards and then rotate each arm downward in the plane parallel to the dummy's midsagittal plane toward the dummy's lower body until the arm contacts a surface of the child restraint system or the SISA. Ensure that no arm is restrained from movement in other than the downward direction, by any part of the system or the belts used to anchor the system to the SISA sliding seat.

* * * *

5. Amend § 571.213b by revising S5(b)(2), S5.5.2(g)(1)(ii), and S5.9(a) to read as follows:

§ 571.213b; Child restraint systems; Mandatory applicability beginning December 5, 2026

* * * *

S5 * * *

(b) * * *

(2) Each add-on child restraint system manufactured for use in motor vehicles, that is recommended for children in a weight range that includes weights less than 18 kg (40 pounds) regardless of height, or for children in a height range that includes heights less than 1100 millimeters (mm) regardless of weight, shall meet the requirements in this standard and the applicable side impact protection requirements in Standard No. 213a (§ 571.213a). Excepted from Standard No. 213a are harnesses, school bus child restraint systems, and car beds.

* * * * *

S5.5.2* * *

(g) * * *

(1) * * *

(ii) Secure this child restraint with the vehicle's child restraint anchorage system, if available, or with a vehicle belt. [For school bus child restraint systems, the preceding statement does not apply.] [For car beds, harnesses, and belt positioning seats, the first part of the statement regarding attachment by the child restraint anchorage system is optional.] [For belt-positioning seats, the second part of the statement regarding attachment by the vehicle belt does not apply.] [School bus child restraint systems must use the following statement instead: Secure this school bus child restraint using the child restraint system's (insert the words "seat back mount" or "seat back and seat pan mount" as appropriate).]

* * * * *

S5.9 * * *

(a) Each add-on child restraint system other than a car bed, harness, school bus child restraint system, and belt-positioning seat, shall have components permanently attached to the system that enable the restraint to be securely fastened to the lower anchorages of the child restraint anchorage system specified in Standard No. 225 (§ 571.225) and depicted in NHTSA Standard Seat Assembly; FMVSS No. 213, No. NHTSA-213-2021 (March 2023) (incorporated by reference, see § 571.5). The components must be attached by use of a tool, such as a screwdriver.

In the case of rear-facing child restraint systems with detachable bases, only the base is required to have the components. For child restraints manufactured on or after January 8, 2028, all components provided to attach the add-on child restraint or the detachable base (in the case of a rear-facing child restraint with a detachable base) to the lower anchorages of the child restraint anchorage system shall be permanently marked with the pictogram in figure 15 to this section.

* * * * *

Issued under authority delegated in 49 CFR 1.95.

Jonathan Morrison,

Administrator.

[FR Doc. 2026-18380 Filed: 9/8/2026 8:45 am; Publication Date: 9/9/2026]