

(iii) The requirements of (b)(2)(iii) are met; and

(iv) The child restraint system has one or more of the labels described in paragraph (b)(2)(ii)(A) through paragraph (b)(2)(ii)(C).

(3) This section does not prohibit the certificate holder from providing child restraint systems or, consistent with safe operating practices, determining the most appropriate passenger seat location for the child restraint system.

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PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

7. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. app. 1354(a), 1355(a), 1421 through 1431, and 1502; 49 U.S.C. 106(g).

8. Section 135.128 is amended by removing the sentence in paragraph (a)(2)(ii)(A) that begins with “Vest- * * *”, by removing the final “and” in paragraph (a)(2)(ii)(C), by revising paragraph (a)(1) and the introductory text of paragraph (a)(2)(ii), by adding a new paragraph (a)(2)(ii)(D), and by revising paragraph (b) to read as follows:

§ 135.128 Use of safety belts and child restraint systems.

(a) * * *

(1) Be held by an adult who is occupying an approved seat or berth, provided the child has not reached his or her second birthday and the child does not occupy or use any restraining device; or

(2) * * *

(ii) Except as provided in subparagraph (b)(2)(ii)(D) of this section, the approved child restraint system bears one or more labels as follows:

* * * * *

(D) Notwithstanding any other provision of this section, booster-type child restraint systems (as defined in Federal Motor Vehicle Standard No. 213 (49 CFR 571.213)), vest- and harness-type child restraint systems, and lap held child restraints are not approved for use in aircraft; and

(b) Except as provided in paragraph (b)(3), the following prohibitions apply to certificate holders:

(1) No certificate holder may permit a child, in an aircraft, to occupy a booster-type child restraint system, a vest-type child restraint system, a harness-type child restraint system, or a lap held child restraint system during take off, landing, and movement on the surface.

(2) Except as required in paragraph (b)(1) of this section, no certificate holder may prohibit a child, if requested by the child's parent, guardian, or

designated attendant, from occupying a child restraint system furnished by the child's parent, guardian, or designated attendant provided:

(i) The child holds a ticket for an approved seat or berth or such seat or berth is otherwise made available by the certificate holder for the child's use;

(ii) The requirements or paragraph (a)(2)(i) are met;

(iii) The requirements of (a)(2)(iii) are met; and

(iv) The child restraint system has one or more of the labels described in paragraph (a)(2)(ii)(A) through paragraph (a)(2)(ii)(C).

(3) This section does not prohibit the certificate holder from providing child restraint systems or, consistent with safe operating practices, determining the most appropriate passenger seat location for the child restraint system.

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Issued in Washington, DC, on May 19, 1995.

William J. White,

Acting Director, Flight Standards Service.

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BILLING CODE 4910-13-M

49 CFR Part 571

[Docket No. 74-09; Notice 41]

RIN 2127-AF46

Federal Motor Vehicle Safety Standards; Child Restraint Systems

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposed rule, and a companion proposed rule issued by the Federal Aviation Administration (FAA), address the use of child harnesses and backless child restraints in aircraft. This document proposes to amend a provision in Federal Motor Vehicle Safety Standard No. 213, “Child Restraint Systems,” that permits those restraints to be certified for use in both motor vehicles and aircraft.

Under the current FAA regulations, aircraft-certified child restraints may be used on aircraft. However, because testing has raised concerns about the safety of using harnesses and backless child restraint systems on the types of seats found in aircraft, FAA is publishing, in today's **Federal Register**, an NPRM that would prohibit the use of booster seats, and vest- and harness-type child restraint systems on aircraft even if they are certified for aircraft use.

NHTSA is, in turn, concerned that if FAA were to ban harnesses and backless

booster seats from being used on aircraft, continuing to permit the certification of those restraints for aircraft use could be confusing to the public. Accordingly, this document proposes to require manufacturers to label these restraints as not being for aircraft use.

DATES: Comments on this proposed rule must be received by the agency no later than July 10, 1995.

ADDRESSES: Comments should refer to the docket number and notice number and be submitted in writing to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, DC 20590. Telephone: (202) 366-5267. Docket hours are 9:30 a.m. to 4:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Dr. George Mouchahoir, Office of Vehicle Safety Standards (telephone 202-366-4919), or Ms. Deirdre Fujita, Office of the Chief Counsel (202-366-2992), National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. For information on FAA's proposal, contact Ms. Donell Pollard (AFS-203), Air Transportation Division, Flight Standards Service (telephone 202-267-3735), Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

SUPPLEMENTARY INFORMATION: This document proposes to amend the provision in Federal Motor Vehicle Safety Standard No. 213, “Child Restraint Systems,” that permits child restraint systems to be certified for use in both motor vehicles and aircraft. This rule complements an FAA proposal, published elsewhere in today's **Federal Register**, that would prohibit the use of booster seats, and vest- and harness-type child restraint systems on aircraft even if the restraints are certified for aircraft use.

The types of child restraint systems that are the subject of this NPRM are harnesses and backless child restraints. A harness typically consists of a vest or a series of straps that form a vest-like garment, that attaches at the back of the harness to a vehicle seat's lap belt. Harnesses are generally intended for children who weigh from 25 to 50 pounds, and some require the use of a tether strap to supplement the lap belt. A backless child restraint system is a type of child booster seat that has a structural element (typically a shield) designed to restrain forward motion of the child's torso in a frontal crash. Backless child restraint systems are generally intended for children weighing from 30 to 60 pounds.