

A THEMATIC TITLE	LEGAL PROBLEMS ON SAFETY EQUIPMENT STANDARD OF CAR SEAT AND LEGAL LIABILITY
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ABSTRACT

This research is the study of legal problems on safety equipment standard of car seat and legal liability. The research aimed to study standard setting and civil liability. The study has been conducted by comparing laws of Japan, Federal Republic of Germany and United States of America (USA)

The results of the study revealed that even though the Notification of the Ministry of Industry No. 3998 (2009), issued under the Industrial Product Standards Act B.E. 2511 (1968), stipulated the definition of child restraint as shown in the Industrial Product Standards TISI 721-2551, which is in accordance with Regulation No.44 of the Economic Commission for European of the United Nations or UN/ECE Regulation No. 44 (European Standard), but no laws have not been enforced on car seat whereas laws have been clearly enacted in Japan, Federal Republic of Germany and USA. Moreover, ISOFIX fittings or connection points for child restraint system were not stipulated in Thailand and this has affected to a lot of cars sold in Thailand where this master has not much been taken care of. This was far differed from European countries or USA that relevant law has required all models of new vehicle to be installed with ISOFIX fittings or connection points for child restraint system. Furthermore, top tethers or anchorages for restraining at the top of car seat must also be originally installed from factories and ISOFIX must be installed in all vehicles that traveled on roads. For tort liability in accordance with Section 420 of the Civil Code; if any damages were not caused by using such product but caused by negligence of the

manufacturer, the manufacturer should have its liability. If damages are caused by unsafe product, the manufacturer must be responsible for damages after selling to consumers. In Thailand, there are no laws or regulations on car seat standard that placed importance on life safety of child passengers and car seats to be installed properly to the body of those child passengers.

Therefore, this research suggests that Department of Land Transportation's Notification on car seat should be issued and enforced strictly. This regulation should stipulate that children lower than 12 years old, except for those with lower than 150 cm of height, or even higher than 12 but not more than 14 years old, must use car seats or boosters proper to their weight. In this way, normal children with 12 years old or higher can use car seats. Moreover, ISOFIX fittings or connection points for child restraint system should installed by a legal requirement for cars sold in Thailand and must be installed in all vehicles that traveled on roads. Finally, standards must be emphasized on details of car seats for children by taking into consideration on their physical condition. Criminal liability and penalties should be stipulated for persons who drive vehicles without car seat, as well.