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HOUSE BILL 2429

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State of Washington                      54th Legislature                      1996 Regular Session

By Representatives Pennington, Carrell, Thompson and Hickel

Read first time 01/10/96. Referred to Committee on Commerce & Labor.

1            AN ACT Relating to infant crib safety; adding a new chapter to  
2 Title 70 RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.    **Sec. 1.**    (1) The legislature finds all of the  
5 following:

6            (a) The disability and death of infants resulting from injuries  
7 sustained in crib accidents are a serious threat to the public health,  
8 welfare, and safety of the people of this state.

9            (b) Infants are an especially vulnerable class of people who are at  
10 the complete mercy of an unsafe crib.

11            (c) The design and construction of a baby crib must ensure that it  
12 is safe to leave an infant unattended for extended periods of time. A  
13 parent or caregiver has a right to believe that the crib in use is a  
14 safe place to leave an infant.

15            (d) Over thirteen thousand infants are injured in unsafe cribs  
16 every year.

17            (e) In the past decade, six hundred twenty-two infants died (a rate  
18 of sixty-two infants each year) from injuries sustained in unsafe  
19 cribs.

1 (f) The United States consumer product safety commission estimates  
2 that the cost to society resulting from injuries and death due to  
3 unsafe cribs is two hundred thirty-five million dollars per year.

4 (g) Secondhand, hand-me-down, and heirloom cribs pose a special  
5 problem. There were four million infants born in this country last  
6 year, but only one million new cribs sold. As many as three out of  
7 four infants are placed in secondhand, hand-me-down, or heirloom cribs.

8 (h) Most injuries and deaths occur in secondhand, hand-me-down, or  
9 heirloom cribs.

10 (i) Existing state and federal legislation is inadequate to deal  
11 with this hazard.

12 (j) Prohibiting the remanufacture, retrofit, sale, contracting to  
13 sell or resell, leasing, or subletting of unsafe cribs, particularly  
14 unsafe secondhand, hand-me-down, or heirloom cribs, will prevent  
15 injuries and deaths caused by cribs.

16 (2) The purpose of this chapter is to prevent the occurrence of  
17 injuries and deaths to infants as a result of unsafe cribs by making it  
18 illegal to remanufacture, retrofit, sell, contract to sell or resell,  
19 lease, sublet, or otherwise place in the stream of commerce, after the  
20 effective date of this act, any full-size or nonfull-size crib that is  
21 unsafe for any infant using the crib.

22 (3) It is the intent of the legislature to encourage public and  
23 private collaboration in disseminating materials relative to the safety  
24 of baby cribs to parents, child care providers, and those who would be  
25 likely to place unsafe cribs in the stream of commerce. The  
26 legislature also intends that informational materials regarding baby  
27 crib safety are to be developed with private resources and be available  
28 to consumers through the department of social and health services.

29 NEW SECTION. **Sec. 2.** This chapter may be known and cited as the  
30 infant crib safety act.

31 NEW SECTION. **Sec. 3.** Unless the context clearly requires  
32 otherwise, the definitions in this section apply throughout this  
33 chapter.

34 (1) "Infant" means any person less than thirty-five inches tall and  
35 less than three years of age.

36 (2) "Crib" means a bed or containment designed to accommodate an  
37 infant.

1 (3) "Full-size crib" means a full-size crib as defined in Section  
2 1508.3 of Title 16 of the Code of Federal Regulations regarding the  
3 requirements for full-size cribs.

4 (4) "Nonfull-size crib" means a nonfull-size crib as defined in  
5 Section 1509.2(b) of Title 16 of the Code of Federal Regulations  
6 regarding the requirements for nonfull-size cribs.

7 (5) "Person" means any natural person, firm, corporation,  
8 association, or agent or employee thereof.

9 (6) "Commercial user" means any person who deals in full-size or  
10 nonfull-size cribs of the kind governed by this chapter or who  
11 otherwise by one's occupation holds oneself out as having knowledge or  
12 skill peculiar to the full-size or nonfull-size cribs governed by this  
13 chapter, or any person who is in the business of remanufacturing,  
14 retrofitting, selling, leasing, subletting, or otherwise placing in the  
15 stream of commerce full-size or nonfull-size cribs.

16 NEW SECTION. **Sec. 4.** (1) No commercial user may remanufacture,  
17 retrofit, sell, contract to sell or resell, lease, sublet, or otherwise  
18 place in the stream of commerce, on or after the effective date of this  
19 act, a full-size or nonfull-size crib that is unsafe for any infant  
20 using the crib.

21 (2) A crib is presumed to be unsafe pursuant to this chapter if it  
22 does not conform to all of the following:

23 (a) Part 1508 (commencing with Section 1508.1) of Title 16 of the  
24 Code of Federal Regulations;

25 (b) Part 1509 (commencing with Section 1509.1) of Title 16 of the  
26 Code of Federal Regulations;

27 (c) Part 1303 (commencing with Section 1303.1) of Title 16 of the  
28 Code of Federal Regulations;

29 (d) American Society for Testing Materials Voluntary Standards  
30 F966-90;

31 (e) American Society for Testing Materials Voluntary Standards  
32 F1169.88;

33 (f) Any regulations that are adopted in order to amend or  
34 supplement the regulations described in (a) through (e) of this  
35 subsection.

36 (3) Cribs that are unsafe or fail to perform as expected pursuant  
37 to subsection (2) of this section include, but are not limited to,

1 cribs that have any of the following dangerous features or  
2 characteristics:

3 (a) Corner posts that extend more than one-sixteenth of an inch;

4 (b) Spaces between side slats more than two and three-eighths  
5 inches;

6 (c) Mattress support that can be easily dislodged from any point of  
7 the crib. A mattress segment can be easily dislodged if it cannot  
8 withstand at least a twenty-five pound upward force from underneath the  
9 crib;

10 (d) Cutout designs on the end panels;

11 (e) Rail height dimensions that do not conform to the following:

12 (i) The height of the rail and end panel as measured from the top  
13 of the rail or panel in its lowest position to the top of the mattress  
14 support in its highest position is at least nine inches;

15 (ii) The height of the rail and end panel as measured from the top  
16 of the rail or panel in its highest position to the top of the mattress  
17 support in its lowest position is at least twenty-six inches;

18 (f) Any screws, bolts, or hardware that are loose and not secured;

19 (g) Sharp edges, points, or rough surfaces, or any wood surfaces  
20 that are not smooth and free from splinters, splits, or cracks;

21 (h) Nonfull-size cribs with tears in mesh or fabric sides.

22 NEW SECTION. **Sec. 5.** On or after January 1, 1997, any commercial  
23 user who willfully and knowingly violates section 4 of this act is  
24 guilty of a misdemeanor, punishable by a fine not exceeding one  
25 thousand dollars. Hotels, motels, or similar transient lodging are not  
26 subject to this section until January 1, 1999.

27 NEW SECTION. **Sec. 6.** Any person may maintain an action against  
28 any commercial user who violates section 4 of this act to enjoin the  
29 remanufacture, retrofit, sale, contract to sell, contract to resell,  
30 lease, or subletting of a full-size or nonfull-size crib that is unsafe  
31 for any infant using the crib, and for reasonable attorneys' fees and  
32 costs. This section does not apply to hotels, motels, or similar  
33 transient lodging until January 1, 1999.

34 NEW SECTION. **Sec. 7.** Remedies available under this chapter are in  
35 addition to any other remedies or procedures under any other provision  
36 of law that may be available to an aggrieved party.

1        NEW SECTION.    **Sec. 8.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.    **Sec. 9.**    Sections 1 through 7 of this act shall  
6 constitute a new chapter in Title 70 RCW.

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