

2 **ESHB 2675** - S AMD - 287

3 By Senators Costa and Swecker

4 ADOPTED 3/9/00

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature recognizes that fewer than
8 five percent of all drivers use child booster seats for children over
9 the age of four years. The legislature also recognizes that seventy-
10 one percent of deaths resulting from car accidents could be eliminated
11 if every child under the age of sixteen used an appropriate child
12 safety seat, booster seat, or seat belt. The legislature further
13 recognizes the National Transportation Safety Board's recommendations
14 that promote the use of booster seats to increase the safety of
15 children under eight years of age. Therefore, it is the legislature's
16 intent to decrease deaths and injuries to children by promoting safety
17 education and injury prevention measures, as well as increasing public
18 awareness on ways to maximize the protection of children in vehicles.

19 **Sec. 2.** RCW 46.61.687 and 1994 c 100 s 1 are each amended to read
20 as follows:

21 (1) Whenever a child who is less than (~~ten~~) sixteen years of age
22 is being transported in a motor vehicle that is in operation and that
23 is required by RCW 46.37.510 to be equipped with a safety belt system
24 in a passenger seating position, the driver of the vehicle shall keep
25 the child properly restrained as follows:

26 (a) If the child is less than six years old and/or sixty pounds and
27 the passenger seating position equipped with a safety belt system
28 allows sufficient space for installation, then the child will be
29 restrained in a child restraint system that complies with standards of
30 the United States department of transportation and that is secured in
31 the vehicle in accordance with instructions of the manufacturer of the
32 child restraint system;

33 (b) If the child is less than one year of age or weighs less than
34 twenty pounds, the child shall be properly restrained in a rear-facing
35 infant seat;

1 (c) If the child is more than one but less than ((three)) four
2 years of age or weighs less than forty pounds but at least twenty
3 pounds, the child shall be properly restrained in a forward facing
4 child safety seat restraint system ((that complies with standards of
5 the United States department of transportation and that is secured in
6 the vehicle in accordance with instructions of the manufacturer of the
7 child restraint system));

8 ~~((b))~~ (d) If the child is less than ((ten)) six but at least
9 ((three)) four years of age or weighs less than sixty pounds but at
10 least forty pounds, the child shall be properly restrained ((either as
11 specified in (a) of this subsection or with a safety belt properly
12 adjusted and fastened around the child's body.)) in a child booster
13 seat;

14 (e) If the child is six years of age or older or weighs more than
15 sixty pounds, the child shall be properly restrained with the motor
16 vehicle's safety belt properly adjusted and fastened around the child's
17 body or an appropriately fitting booster seat; and

18 (f) Enforcement of (a) through (e) of this subsection is subject to
19 a visual inspection by law enforcement to determine if the child
20 restraint system in use is appropriate for the child's individual
21 height, weight, and age. The visual inspection for usage of a forward
22 facing child safety seat must ensure that the seat in use is equipped
23 with a four-point shoulder harness system. The visual inspection for
24 usage of a booster seat must ensure that the seat belt properly fits
25 across the child's lap and the shoulder strap crosses the center of the
26 child's chest. The visual inspection for the usage of a seat belt by
27 a child must ensure that the lap belt properly fits across the child's
28 lap and the shoulder strap crosses the center of the child's chest. In
29 determining violations, consideration to the above criteria must be
30 given in conjunction with the provisions of (a) through (e) of this
31 subsection. The driver of a vehicle transporting a child who is under
32 the age of six years old or weighs less than sixty pounds, when the
33 vehicle is equipped with a passenger side air bag supplemental
34 restraint system, and the air bag system is activated, shall transport
35 the child in the back seat positions in the vehicle where it is
36 practical to do so.

37 (2) A person violating subsection (1)(a) through (e) of this
38 section may be issued a notice of traffic infraction under chapter
39 46.63 RCW. If the person to whom the notice was issued presents proof

1 of acquisition of an approved child passenger restraint system or a
2 child booster seat, as appropriate, within seven days to the
3 jurisdiction issuing the notice and the person has not previously had
4 a violation of this section dismissed, the jurisdiction shall dismiss
5 the notice of traffic infraction.

6 (3) Failure to comply with the requirements of this section shall
7 not constitute negligence by a parent or legal guardian; nor shall
8 failure to use a child restraint system be admissible as evidence of
9 negligence in any civil action.

10 (4) This section does not apply to: (a) For hire vehicles, (b)
11 vehicles designed to transport sixteen or less passengers, including
12 the driver, operated by auto transportation companies, as defined in
13 RCW 81.68.010, (~~and~~) (c) vehicles providing customer shuttle service
14 between parking, convention, and hotel facilities, and airport
15 terminals, and (d) school buses.

16 (5) As used in this section "child booster seat" means a child
17 passenger restraint system that meets the Federal Motor Vehicle Safety
18 Standards set forth in 49 C.F.R. 571.213 that is designed to elevate a
19 child to properly sit in a federally approved lap/shoulder belt system.

20 (6) The requirements of subsection (1)(a) through (e) of this
21 section do not apply in any seating position where there is only a lap
22 belt available and the child weighs more than forty pounds.

23 **Sec. 3.** RCW 46.61.688 and 1990 c 250 s 58 are each amended to read
24 as follows:

25 (1) For the purposes of this section, the term "motor vehicle"
26 includes:

27 (a) "Buses," meaning motor vehicles with motive power, except
28 trailers, designed to carry more than ten passengers;

29 (b) "Multipurpose passenger vehicles," meaning motor vehicles with
30 motive power, except trailers, designed to carry ten persons or less
31 that are constructed either on a truck chassis or with special features
32 for occasional off-road operation;

33 (c) "Passenger cars," meaning motor vehicles with motive power,
34 except multipurpose passenger vehicles, motorcycles, or trailers,
35 designed for carrying ten passengers or less; and

36 (d) "Trucks," meaning motor vehicles with motive power, except
37 trailers, designed primarily for the transportation of property.

1 (2) This section only applies to motor vehicles that meet the
2 manual seat belt safety standards as set forth in federal motor vehicle
3 safety standard 208. This section does not apply to a vehicle occupant
4 for whom no safety belt is available when all designated seating
5 positions as required by federal motor vehicle safety standard 208 are
6 occupied.

7 (3) Every person sixteen years of age or older operating or riding
8 in a motor vehicle shall wear the safety belt assembly in a properly
9 adjusted and securely fastened manner.

10 (4) No person may operate a motor vehicle unless all child
11 passengers under the age of sixteen years are either: (a) Wearing a
12 safety belt assembly or (b) are securely fastened into an approved
13 child restraint device.

14 (5) A person violating this section shall be issued a notice of
15 traffic infraction under chapter 46.63 RCW. A finding that a person
16 has committed a traffic infraction under this section shall be
17 contained in the driver's abstract but shall not be available to
18 insurance companies or employers.

19 (6) Failure to comply with the requirements of this section does
20 not constitute negligence, nor may failure to wear a safety belt
21 assembly be admissible as evidence of negligence in any civil action.

22 (7) Except for subsection (4)(b) of this section, which must be
23 enforced as a primary action, enforcement of this section by law
24 enforcement officers may be accomplished only as a secondary action
25 when a driver of a motor vehicle has been detained for a suspected
26 violation of Title 46 RCW or an equivalent local ordinance or some
27 other offense.

28 (8) This section does not apply to an operator or passenger who
29 possesses written verification from a licensed physician that the
30 operator or passenger is unable to wear a safety belt for physical or
31 medical reasons.

32 (9) The state patrol may adopt rules exempting operators or
33 occupants of farm vehicles, construction equipment, and vehicles that
34 are required to make frequent stops from the requirement of wearing
35 safety belts.

36 NEW SECTION. Sec. 4. A new section is added to chapter 46.61 RCW
37 to read as follows:

1 The traffic safety commission shall conduct an educational campaign
2 using all available methods to raise public awareness of the importance
3 of properly restraining child passengers and the value of seatbelts to
4 adult motorists. The traffic safety commission shall report to the
5 transportation committees of the legislature on the campaign and
6 results observed on the highways. The first report is due December 1,
7 2000, and annually thereafter.

8 NEW SECTION. **Sec. 5.** This act may be known and cited as the Anton
9 Skeen Act.

10 NEW SECTION. **Sec. 6.** This act takes effect July 1, 2002."

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14 On page 1, line 1 of the title, after "systems;" strike the
15 remainder of the title and insert "amending RCW 46.61.687 and
16 46.61.688; adding a new section to chapter 46.61 RCW; creating new
17 sections; and providing an effective date."

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