

CERTIFICATION OF ENROLLMENT  
ENGROSSED SUBSTITUTE HOUSE BILL 2675

56th Legislature  
2000 Regular Session

Passed by the House March 9, 2000  
Yeas 83 Nays 15

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**Speaker of the House of Representatives**

\_\_\_\_\_  
**Speaker of the House of Representatives**

Passed by the Senate March 9, 2000  
Yeas 39 Nays 7

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**President of the Senate**

Approved

\_\_\_\_\_  
Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2675** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

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**Chief Clerk**

FILED

Secretary of State  
State of Washington

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ENGROSSED SUBSTITUTE HOUSE BILL 2675

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AS AMENDED BY THE SENATE

Passed Legislature - 2000 Regular Session

State of Washington

56th Legislature

2000 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Skinner, Schual-Berke, Mitchell, Fisher, McDonald, Ruderman, O'Brien and Hurst)

Read first time 02/02/2000. Referred to Committee on .

1 AN ACT Relating to child passenger restraint systems; amending RCW  
2 46.61.687 and 46.61.688; adding a new section to chapter 46.61 RCW;  
3 creating new sections; and providing an effective date.

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

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

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

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

6 (a) If the child is less than six years old and/or sixty pounds and  
7 the passenger seating position equipped with a safety belt system  
8 allows sufficient space for installation, then the child will be  
9 restrained in a child restraint system that complies with standards of  
10 the United States department of transportation and that is secured in  
11 the vehicle in accordance with instructions of the manufacturer of the  
12 child restraint system;

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

16 (c) If the child is more than one but less than ~~((three))~~ four  
17 years of age or weighs less than forty pounds but at least twenty  
18 pounds, the child shall be properly restrained in a forward facing  
19 child safety seat restraint system ~~((that complies with standards of~~  
20 the United States department of transportation and that is secured in  
21 the vehicle in accordance with instructions of the manufacturer of the  
22 child restraint system));

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

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

33 (f) Enforcement of (a) through (e) of this subsection is subject to  
34 a visual inspection by law enforcement to determine if the child  
35 restraint system in use is appropriate for the child's individual  
36 height, weight, and age. The visual inspection for usage of a forward  
37 facing child safety seat must ensure that the seat in use is equipped  
38 with a four-point shoulder harness system. The visual inspection for  
39 usage of a booster seat must ensure that the seat belt properly fits

1 across the child's lap and the shoulder strap crosses the center of the  
2 child's chest. The visual inspection for the usage of a seat belt by  
3 a child must ensure that the lap belt properly fits across the child's  
4 lap and the shoulder strap crosses the center of the child's chest. In  
5 determining violations, consideration to the above criteria must be  
6 given in conjunction with the provisions of (a) through (e) of this  
7 subsection. The driver of a vehicle transporting a child who is under  
8 the age of six years old or weighs less than sixty pounds, when the  
9 vehicle is equipped with a passenger side air bag supplemental  
10 restraint system, and the air bag system is activated, shall transport  
11 the child in the back seat positions in the vehicle where it is  
12 practical to do so.

13 (2) A person violating subsection (1)(a) through (e) of this  
14 section may be issued a notice of traffic infraction under chapter  
15 46.63 RCW. If the person to whom the notice was issued presents proof  
16 of acquisition of an approved child passenger restraint system or a  
17 child booster seat, as appropriate, within seven days to the  
18 jurisdiction issuing the notice and the person has not previously had  
19 a violation of this section dismissed, the jurisdiction shall dismiss  
20 the notice of traffic infraction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37       (7) Except for subsection (4)(b) of this section, which must be  
38 enforced as a primary action, enforcement of this section by law  
39 enforcement officers may be accomplished only as a secondary action

1 when a driver of a motor vehicle has been detained for a suspected  
2 violation of Title 46 RCW or an equivalent local ordinance or some  
3 other offense.

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

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

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.61 RCW  
13 to read as follows:

14 The traffic safety commission shall conduct an educational campaign  
15 using all available methods to raise public awareness of the importance  
16 of properly restraining child passengers and the value of seatbelts to  
17 adult motorists. The traffic safety commission shall report to the  
18 transportation committees of the legislature on the campaign and  
19 results observed on the highways. The first report is due December 1,  
20 2000, and annually thereafter.

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

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

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