
SENATE BILL 5724

State of Washington

57th Legislature

2001 Regular Session

By Senators Deccio, McDonald, Oke, Horn, Hochstatter, Sheahan and T. Sheldon

Read first time 02/01/2001. Referred to Committee on Judiciary.

1 AN ACT Relating to the failure to wear safety belt assembly;
2 amending RCW 46.61.688 and 46.61.688; providing an effective date; and
3 providing an expiration date.

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

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

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

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

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

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

18 (d) "Trucks," meaning motor vehicles with motive power, except
19 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 passengers
11 under the age of sixteen years are either wearing a safety belt
12 assembly or are securely fastened into an approved child restraint
13 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))~~ any requirements of this section
20 ~~((does not constitute negligence, nor may failure to wear a safety belt
21 assembly))~~ may be admissible as evidence of negligence in any civil
22 action.

23 (7) Enforcement of this section by law enforcement officers may be
24 accomplished only as a secondary action when a driver of a motor
25 vehicle has been detained for a suspected violation of Title 46 RCW or
26 an equivalent local ordinance or some other offense.

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

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

35 **Sec. 2.** RCW 46.61.688 and 2000 c 190 s 3 are each amended to read
36 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

9 NEW SECTION. **Sec. 3.** Section 1 of this act expires July 1, 2002.

10 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect July 1,
11 2002.

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