

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1460

Chapter 328, Laws of 2002

57th Legislature
2002 Regular Session

SAFETY BELT LAWS

EFFECTIVE DATE: 6/13/02 - Except section 2, which becomes effective 7/1/02.

Passed by the House February 14, 2002
Yeas 54 Nays 44

FRANK CHOPP
**Speaker of the House of
Representatives**

Passed by the Senate March 7, 2002
Yeas 26 Nays 22

BRAD OWEN
President of the Senate

Approved April 2, 2002

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1460** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER
Chief Clerk

FILED

April 2, 2002 - 1:40 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 1460

Passed Legislature - 2002 Regular Session

State of Washington

57th Legislature

2001 Regular Session

By Representatives Lovick, Jarrett, Hurst, Jackley, Cooper, Fisher, Edmonds, Morell, Ahern, Ogden, Simpson, O'Brien, Darneille, Kagi and Ruderman

Read first time 01/26/2001. Referred to Committee on Transportation.

1 AN ACT Relating to enforcement of safety belt laws; amending RCW
2 46.61.688 and 46.61.688; providing an effective date; and providing an
3 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 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) ((Enforcement of this section by law enforcement officers may
23 be accomplished only as a secondary action when a driver of a motor
24 vehicle has been detained for a suspected violation of Title 46 RCW or
25 an equivalent local ordinance or some other offense.~~

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

30 ~~((9))~~ (8) The state patrol may adopt rules exempting operators or
31 occupants of farm vehicles, construction equipment, and vehicles that
32 are required to make frequent stops from the requirement of wearing
33 safety belts.

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

36 (1) For the purposes of this section, the term "motor vehicle"
37 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 requirements of this section does
31 not constitute negligence, nor may failure to wear a safety belt
32 assembly be admissible as evidence of negligence in any civil action.

33 ~~(7) ((Except for subsection (4)(b) of this section, which must be
34 enforced as a primary action, enforcement of this section by law
35 enforcement officers may be accomplished only as a secondary action
36 when a driver of a motor vehicle has been detained for a suspected
37 violation of Title 46 RCW or an equivalent local ordinance or some
38 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))~~) (8) 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.

Passed the House February 14, 2002.

Passed the Senate March 7, 2002.

Approved by the Governor April 2, 2002.

Filed in Office of Secretary of State April 2, 2002.