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ENGROSSED SENATE BILL 5879

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State of Washington                      53rd Legislature                      1993 Regular Session

By Senators A. Smith, Spanel, Deccio and Winsley

Read first time 02/22/93. Referred to Committee on Law & Justice.

1            AN ACT Relating to child passenger restraint systems; amending RCW  
2 46.61.687; and prescribing penalties.

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

4            **Sec. 1.** RCW 46.61.687 and 1987 c 330 s 745 are each amended to  
5 read as follows:

6            (1) (~~After December 31, 1983, the parent or legal guardian of a~~  
7 ~~child less than five years old, when the parent or legal guardian is~~  
8 ~~operating anywhere in the state his or her own motor vehicle registered~~  
9 ~~under chapter 46.16 RCW, in which the child is a passenger, shall have~~  
10 ~~the child properly secured in a manner approved by the state patrol.~~  
11 ~~Even though a separate child passenger restraint device is considered~~  
12 ~~the ideal method of protection, a properly adjusted and fastened,~~  
13 ~~federally approved seat belt is deemed sufficient to meet the~~  
14 ~~requirements of this section for children one through four years of~~  
15 ~~age)) Whenever a child who is less than six years of age is being  
16 transported in a motor vehicle that is in operation and that is  
17 required by RCW 46.37.510 to be equipped with a safety belt system in  
18 a passenger seating position, the driver of the vehicle shall keep the  
19 child properly restrained as follows:~~

1       (a) If the child is less than two years of age, the child shall be  
2 properly restrained in a child restraint system that complies with  
3 standards of the United States department of transportation and that is  
4 secured in the vehicle in accordance with instructions of the  
5 manufacturer of the child restraint system;

6       (b) If the child is less than six but at least two years of age,  
7 the child shall be restrained either as specified in (a) of this  
8 subsection or with a safety belt properly adjusted and fastened around  
9 the child's body.

10       ~~(2) ((During the period from January 1, 1984, to July 1, 1984, a~~  
11 ~~person violating subsection (1) of this section may be issued a written~~  
12 ~~warning of the violation. After July 1, 1984,))~~ A person violating  
13 subsection (1) of this section may be issued a notice of traffic  
14 infraction under chapter 46.63 RCW. If the person to whom the notice  
15 was issued presents proof of acquisition of an approved child passenger  
16 restraint system within seven days to the jurisdiction issuing the  
17 notice, the jurisdiction shall dismiss the notice of traffic  
18 infraction. If the person fails to present proof of acquisition  
19 within the time required, he or she is subject to a penalty assessment  
20 of not less than thirty dollars.

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.

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