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ENGROSSED SUBSTITUTE HOUSE BILL 2675

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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 in a child restraint system that complies  
6 with standards of the United States department of transportation and  
7 that is secured in the vehicle in accordance with instructions of the  
8 manufacturer of the child restraint system as follows:

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

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

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

25 (d) If the child is six years of age or older or weighs more than  
26 sixty pounds, the child shall be properly restrained with the motor  
27 vehicle's safety belt properly adjusted and fastened around the child's  
28 body; and

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

1 determining violations, consideration to the above criteria must be  
2 given in conjunction with the provisions of (a) through (d) of this  
3 subsection. The driver of a vehicle transporting a child who is under  
4 the age of six years old or weighs less than sixty pounds, when the  
5 vehicle is equipped with a passenger side air bag supplemental  
6 restraint system, and the air bag system is activated, shall transport  
7 the child in the back seat positions in the vehicle where it is  
8 practical to do so.

9 (2) A person violating subsection (1)(a) through (d) of this  
10 section may be issued a notice of traffic infraction under chapter  
11 46.63 RCW. If the person to whom the notice was issued presents proof  
12 of acquisition of an approved child passenger restraint system or a  
13 child booster seat, as appropriate, within seven days to the  
14 jurisdiction issuing the notice and the person has not previously had  
15 a violation of this section dismissed, the jurisdiction shall dismiss  
16 the notice of traffic infraction.

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

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

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

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

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

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

37 (b) "Multipurpose passenger vehicles," meaning motor vehicles with  
38 motive power, except trailers, designed to carry ten persons or less

1 that are constructed either on a truck chassis or with special features  
2 for occasional off-road operation;

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

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

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

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

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

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

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

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

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

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

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

7       The traffic safety commission shall conduct an educational campaign  
8 using all available methods to raise public awareness of the importance  
9 of properly restraining child passengers and the value of seatbelts to  
10 adult motorists. The traffic safety commission shall report to the  
11 transportation committees of the legislature on the campaign and  
12 results observed on the highways. The first report is due December 1,  
13 2000, and annually thereafter.

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

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

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