
HOUSE BILL 2675

State of Washington

56th Legislature

2000 Regular Session

By Representatives Skinner, Schual-Berke, Mitchell, Fisher, McDonald, Ruderman, O'Brien and Hurst

Read first time 01/18/2000. Referred to Committee on Transportation.

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

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

5 **Sec. 1.** RCW 46.61.687 and 1994 c 100 s 1 are each amended to read
6 as follows:

7 (1) Whenever a child who is less than (~~ten~~) sixteen years of age
8 is being transported in a motor vehicle that is in operation and that
9 is required by RCW 46.37.510 to be equipped with a safety belt system
10 in a passenger seating position, the driver of the vehicle shall keep
11 the child properly restrained in a child restraint system that complies
12 with standards of the United States department of transportation and
13 that is secured in the vehicle in accordance with instructions of the
14 manufacturer of the child restraint system as follows:

15 (a) If the child is less than one year of age, the child shall be
16 properly restrained in a rear-facing infant seat;

17 (b) If the child is more than one but less than (~~three~~) four
18 years of age or weighs less than forty pounds, the child shall be
19 properly restrained in a forward facing child safety seat restraint

1 system (~~(that complies with standards of the United States department~~
2 ~~of transportation and that is secured in the vehicle in accordance with~~
3 ~~instructions of the manufacturer of the child restraint system))~~);

4 ~~((b))~~ (c) If the child is less than ~~((ten))~~ eight but at least
5 ~~((three))~~ four years of age or weighs less than eighty pounds but at
6 least forty pounds, the child shall be properly restrained (~~((either as~~
7 ~~specified in (a) of this subsection or with a safety belt properly~~
8 ~~adjusted and fastened around the child's body.))~~) in a child booster
9 seat;

10 (d) If the child is eight years of age or older or weighs more than
11 eighty pounds, the child shall be properly restrained with the motor
12 vehicle's safety belt properly adjusted and fastened around the child's
13 body; and

14 (e) The driver of a vehicle transporting a child who is under the
15 age of eight years old or weights less than eighty pounds, when the
16 vehicle is equipped with a passenger side air bag supplemental
17 restraint system, shall transport the child in the back seat positions
18 in the vehicle where it is practical to do so.

19 (2) A person violating subsection (1)(a) through (d) of this
20 section may be issued a notice of traffic infraction under chapter
21 46.63 RCW. If the person to whom the notice was issued presents proof
22 of acquisition of an approved child passenger restraint system or a
23 child booster seat, as appropriate, within seven days to the
24 jurisdiction issuing the notice and the person has not previously had
25 a violation of this section dismissed, the jurisdiction shall dismiss
26 the notice of traffic infraction.

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

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

37 (5) As used in this section "child booster seat" means a child
38 passenger restraint system that meets the Federal Motor Vehicle Safety

1 Standards set forth in 49 C.F.R. 571.213 that is designed to elevate a
2 child to properly sit in a federally approved lap/shoulder belt system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.61 RCW
14 to read as follows:

15 The traffic safety commission shall conduct an educational campaign
16 using all available methods to raise public awareness of the importance
17 of properly restraining child passengers and the value of seatbelts to
18 adult motorists. The traffic safety commission shall report to the
19 transportation committees of the legislature on the campaign and
20 results observed on the highways. The first report is due December 1,
21 2000, and annually thereafter.

22 NEW SECTION. **Sec. 4.** This act may be known and cited as the Anton
23 Skeen Act.

24 NEW SECTION. **Sec. 5.** This act takes effect July 1, 2001.

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