
HOUSE BILL 2182

State of Washington 57th Legislature 2001 Regular Session

By Representatives Schual-Berke, Lovick and Fisher

Read first time 02/21/2001. Referred to Committee on Judiciary.

1 AN ACT Relating to child passenger restraint systems; amending RCW
2 46.61.687 and 46.61.688; and providing an effective date.

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

4 **Sec. 1.** RCW 46.61.687 and 2000 c 190 s 2 are each amended to read
5 as follows:

6 (1) Whenever a child who is less than sixteen years of age is being
7 transported in a motor vehicle that is in operation and that is
8 required by RCW 46.37.510 to be equipped with a safety belt system in
9 a passenger seating position, the driver of the vehicle shall keep the
10 child properly restrained as follows:

11 (a) If the child is less than six years old and(~~or~~) sixty pounds
12 and the passenger seating position equipped with a safety belt system
13 allows sufficient space for installation, then the child will be
14 restrained in a child restraint system that complies with standards of
15 the United States department of transportation and that is secured in
16 the vehicle in accordance with instructions of the manufacturer of the
17 child restraint system;

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

4 (c) If the child is more than one but less than four years of age
5 (~~(or)~~) and weighs less than forty pounds but at least twenty pounds,
6 the child shall be properly restrained in a forward facing child safety
7 seat restraint system;

8 (d) If the child is less than six but at least four years of age
9 (~~(or)~~) and weighs less than sixty pounds but at least forty pounds, the
10 child shall be properly restrained in a child booster seat;

11 (e) If the child is six years of age or older (~~(or)~~) and weighs
12 more than sixty pounds, the child shall be properly restrained with the
13 motor vehicle's safety belt properly adjusted and fastened around the
14 child's body or an appropriately fitting booster seat; and

15 (f) Enforcement of (a) through (e) of this subsection is subject to
16 a visual inspection by law enforcement to determine if the child
17 restraint system in use is appropriate for the child's individual
18 height, weight, and age. The visual inspection for usage of a
19 (~~forward-facing~~) child safety seat must ensure that the seat in use
20 is equipped with a (~~four-point~~) shoulder harness system. The visual
21 inspection for usage of a booster seat must ensure that the seat belt
22 properly fits across the child's lap and the shoulder strap crosses the
23 center of the child's chest. The visual inspection for the usage of a
24 seat belt by a child must ensure that the lap belt properly fits across
25 the child's lap and the shoulder strap crosses the center of the
26 child's chest. In determining violations, consideration to the above
27 criteria must be given in conjunction with the provisions of (a)
28 through (e) of this subsection. The driver of a vehicle transporting
29 a child who is under the age of six years old or weighs less than sixty
30 pounds, when the vehicle is equipped with a passenger side air bag
31 supplemental restraint system, and the air bag system is activated,
32 shall transport the child in the back seat positions in the vehicle
33 where it is practical to do so.

34 (2) A person violating subsection (1)(a) through (e) of this
35 section may be issued a notice of traffic infraction under chapter
36 46.63 RCW. If the person to whom the notice was issued presents proof
37 of acquisition of an approved child passenger restraint system or a
38 child booster seat, as appropriate, within seven days to the
39 jurisdiction issuing the notice and the person has not previously had

1 a violation of this section dismissed, the jurisdiction shall dismiss
2 the notice of traffic infraction.

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

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

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

17 (6) The requirements of subsection (1)(a) through (e) of this
18 section do not apply in any seating position where there is only a lap
19 belt available and the child weighs more than forty pounds.

20 (7) A person, including but not limited to a volunteer provider of
21 services, who renders inspection, adjustment, or educational services
22 regarding child passenger restraint systems is not liable for civil
23 damages from any act or omission in rendering the services, other than
24 acts or omissions constituting gross negligence or willful or wanton
25 misconduct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2002.

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