
SENATE BILL 5112

State of Washington

57th Legislature

2001 Regular Session

By Senators Costa, Swecker, Fairley, Oke, Gardner, Haugen, Eide, Kohl-Welles and Patterson

Read first time 01/11/2001. Referred to Committee on Transportation.

1 AN ACT Relating to child passenger restraint systems; amending RCW
2 46.61.687; 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~~) eight years old and/or
12 (~~sixty~~) eighty pounds and the passenger seating position equipped
13 with a safety belt system allows sufficient space for installation,
14 then the child will be restrained in a child restraint system that
15 complies with standards of the United States department of
16 transportation and that is secured in the vehicle in accordance with
17 instructions of the manufacturer of the 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~~) child car seat;

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

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

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

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

35 (2) A person violating subsection (1)(a) through (e) of this
36 section may be issued a notice of traffic infraction under chapter
37 46.63 RCW. If the person to whom the notice was issued presents proof
38 of acquisition of an approved child passenger restraint system or a
39 child booster seat, as appropriate, within seven days to the

1 jurisdiction issuing the notice and the person has not previously had
2 a violation of this section dismissed, the jurisdiction shall dismiss
3 the notice of traffic infraction.

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

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

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

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

21 (7) A person, including but not limited to a volunteer provider of
22 services, who without compensation, renders inspection, adjustment, or
23 educational services regarding child passenger restraint systems is not
24 liable for civil damages from any act or omission in rendering the
25 services, other than acts or omissions constituting gross negligence or
26 willful or wanton misconduct.

27 NEW SECTION. Sec. 2. This act takes effect July 1, 2002.

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