
HOUSE BILL 2511

State of Washington

58th Legislature

2004 Regular Session

By Representatives Flannigan, Jarrett, Lovick, Schual-Berke and Moeller; by request of Washington Traffic Safety Commission

Read first time 01/15/2004. Referred to Committee on Transportation.

1 AN ACT Relating to clarifying motor vehicle safety belt
2 requirements by replacing references to the federal code; amending RCW
3 46.61.688; and declaring an emergency.

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

5 **Sec. 1.** RCW 46.61.688 and 2003 c 353 s 4 are each amended to read
6 as follows:

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

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

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

15 (c) "Neighborhood electric vehicle," meaning a self-propelled,
16 electrically powered four-wheeled motor vehicle whose speed attainable
17 in one mile is more than twenty miles per hour and not more than
18 twenty-five miles per hour and conforms to federal regulations under
19 Title 49 C.F.R. Part 571.500;

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

4 (e) "Trucks," meaning motor vehicles with motive power, except
5 trailers, designed primarily for the transportation of property.

6 (2) This section only applies to: (a) The following motor vehicles
7 ((that meet the manual seat belt safety standards as set forth in
8 federal motor vehicle safety standard 208)) of a model year of 1973 or
9 newer: Passenger cars, multipurpose passenger vehicles, trucks, and
10 the driver's seat of buses; and ~~((to))~~ (b) neighborhood electric
11 vehicles of any model year. This section does not apply to a vehicle
12 occupant for whom no safety belt is available when all ~~((designated~~
13 ~~seating positions as required by federal motor vehicle safety standard~~
14 ~~208 are occupied))~~ existing safety belts are used by other vehicle
15 occupants.

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

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

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

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

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

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

1 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 immediately.

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