

# HOUSE BILL REPORT

## ESHB 1475

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### As Passed Legislature

**Title:** An act relating to child passenger restraint.

**Brief Description:** Modifying child passenger restraint provisions.

**Sponsors:** By House Committee on Transportation (originally sponsored by Representatives Schual-Berke, Jarrett, Murray, Kessler, Wood, Skinner, Hankins, Woods, Dunshee, Wallace, Dickerson, Upthegrove, Curtis, Lovick and Morrell).

**Brief History:**

**Committee Activity:**

Transportation: 2/7/05, 2/10/05 [DPS].

**Floor Activity:**

Passed House: 3/8/05, 72-26.

Passed Senate: 4/13/05, 32-15.

Passed Legislature.

<p style="text-align: center;"><b>Brief Summary of Engrossed Substitute Bill</b></p> <ul style="list-style-type: none"><li>• Updates requirements for child passenger restraints to reflect changes in child restraint devices and research.</li><li>• Holds child car seat inspectors harmless for damages.</li></ul>
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- Holds child car seat inspectors harmless for damages.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 23 members: Representatives Murray, Chair; Wallace, Vice Chair; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton, Campbell, Dickerson, Ericksen, Flannigan, Hankins, Hudgins, Jarrett, Kilmer, Lovick, Morris, Rodne, Sells, Shabro, Simpson, B. Sullivan, Takko, Upthegrove and Wood.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Buck, Curtis, Nixon and Schindler.

**Staff:** Teresa Berntsen (786-7301).

**Background:**

Under current law (RCW 46.61.687), children less than six years old and/or 60 pounds traveling in a motor vehicle must be placed in a child restraint system that complies with

federal standards and is installed according to the manufacturers' instructions. The laws specify the requirements for what type of child restraint system must be used for a child according to age and weight.

Drivers transporting a child under six years of age or weighing less than 60 pounds must transport the child in the back seat if the vehicle is equipped with a passenger side air bag.

Failure to comply with the child passenger restraint requirements does not constitute negligence by a parent or legal guardian, and may not be admitted in court as evidence of negligence. Current law is silent regarding immunity from civil liability for installers or inspectors of child restraint systems.

Since RCW 46.61.687 was last amended in 2000, the National Highway Traffic Safety Administration has revised recommendations for how old and how tall a child should be before being placed in a seatbelt without a child restraint system. In addition, child restraint system technology and products have changed.

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**Summary of Engrossed Substitute Bill:**

- Changes the limit for when a child no longer has to be placed in a child restraint system from six years old and/or 60 pounds to eight years old or 80 pounds, unless the child is at least 4 feet 9 inches tall.
- Deletes the specific requirements for what type of child restraint system a child needs to be in according to age and weight. Replaces with a requirement that a child must be in a restraint system used and installed according to the auto and child restraint manufacturers' directions.
- Adds a requirement that a child under 13 must be in the back seat of a car when practical.
- Provides that a person who provides inspection or education on proper child restraint use is not liable for civil damages, as long as the person is a currently certified child passenger safety technician and there is no gross negligence or willful misconduct.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed, except for section 1, relating to requirements regarding child restraint systems, which takes effect June 1, 2007.

**Testimony For:** Updating this law bridges an important gap and is a matter of public health and safety. State laws serve as a model and guide and should reflect best practice. Language

regarding liability of child passenger restraint inspector/educators should be revised to clarify "not for compensation" does not exclude persons performing this service as a volunteer who are on work time and being paid by their employer.

**Testimony Against:** None.

**Persons Testifying:** Representative Schual-Berke; Mary Selecky, Secretary, Department of Health and Commissioner on Traffic Safety Commission; Angie Ward, Traffic Safety Commission; Autumn Alexander Skeen; Dr. Beth Ebel, Harborview; John Cummings, Detective, Snohomish Sheriff's office, and David Overstreet, American Automobile Association (AAA).

**Persons Signed In To Testify But Not Testifying:** None.