

# SENATE BILL REPORT

## ESHB 1475

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As Reported By Senate Committee On:  
Transportation, March 30, 2005

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

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

**Sponsors:** 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:** Passed House: 3/08/05, 72-26.

**Committee Activity:** Transportation: 3/22/05, 3/30/05 [DP, DNP].

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass.

Signed by Senators Haugen, Chair; Poulsen, Vice Chair; Swecker, Ranking Minority Member; Eide, Oke, Spanel and Weinstein.

**Minority Report:** Do not pass.

Signed by Senator Benson.

**Staff:** Kelly Simpson (786-7403)

**Background:** Under current law, with few exceptions, children less than six years old and/or sixty pounds, while traveling in motor vehicles, must be restrained in child restraint systems that comply with federal standards and are installed per manufacturer instructions. The law specifies 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 sixty 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. However, current law is silent regarding immunity from civil liability for installers or inspectors of child restraint systems or booster seats.

**Summary of Bill:** The child restraint system requirements for children traveling in motor vehicles are revised. Children less than eight years old must be restrained in child restraint systems, unless the child is four feet nine inches or taller. A child who is eight years old or older, or four feet nine inches or taller, must be properly restrained either with the motor vehicle's safety belt or an appropriately fitting child restraint system.

Children under thirteen years old must be transported in the back seat positions where it is practical to do so.

Nationally certified child passenger safety technicians who in good faith provide inspection, adjustment, or educational services regarding child passenger restraint systems may not be held civilly liable for an act or omission related to the services, unless the act or omission constitutes gross negligence or willful or wanton misconduct.

**Appropriation:** None.

**Fiscal Note:** Available for original bill.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Section 1 of the bill takes effect on June 1, 2007, and the rest of the bill takes effect ninety days after adjournment of session in which bill is passed.

**Testimony For:** Recent changes have occurred regarding best practice standards applicable to the use of child restraint systems. This bill would enhance booster seat and child car seat requirements. The use of lap belts by children is not safe and often results in severe physical trauma when children are involved in traffic accidents. The proper use of child restraint systems by children in motor vehicles greatly reduces the severity of injuries due to traffic accidents. The Washington Traffic Safety Commission (WTSC) has in the past and will continue to provide educational and public awareness campaigns to keep the public informed of the recommended standards and legal requirements regarding child restraint systems. The Washington Safety Restraint Coalition and Harborview serve as partners with the WTSC on this issue.

**Testimony Against:** None.

**Who Testified:** PRO: Representative Schual-Berke, prime sponsor; Lowell Porter & Angie Ward, WA Traffic Safety Commission; Dr. Beth Ebel, Harborview Injury Prevention & Research Center; Deputy Tom Tinsloy, Thurston Co. Sheriff's Office; Dave Overstreet, AAA. RESPOND TO QUESTIONS: Steve Lind, WA Traffic Safety Commission.