

# SENATE BILL REPORT

## SHB 1188

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As Reported by Senate Committee On:  
Transportation, February 26, 2018

**Title:** An act relating to the use of child passenger restraint systems.

**Brief Description:** Concerning the use of child passenger restraint systems.

**Sponsors:** House Committee on Transportation (originally sponsored by Representatives Bergquist, Harmsworth, Fey, Hayes, Jinkins and Hudgins).

**Brief History:** Passed House: 1/31/18, 64-30.

**Committee Activity:** Transportation: 2/22/18, 2/26/18 [DP, DNP, w/oRec].

### Brief Summary of Bill

- Modifies the age and height requirements for child passenger restraint system use.
- Requires the Washington Traffic Safety Commission (WTSC) to produce and distribute informational and educational materials that explain the proper use of child restraint systems.

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; Chase, Cleveland, Dhingra, Liias, McCoy, Takko and Wellman.

**Minority Report:** Do not pass.

Signed by Senators King, Ranking Member; Sheldon.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Fortunato, Walsh and Zeiger.

**Staff:** Kim Johnson (786-7472)

**Background:** A child must be restrained in a child restraint system until the child is eight years old or taller than 4 feet, 9 inches, provided a passenger seating position equipped with a

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safety belt system allows sufficient space for installation. A child who is eight years old or older or taller than 4 feet, 9 inches must be properly restrained using a motor vehicle's safety belt or an appropriately fitting child restraint system. A child who is under 13 years old must be transported in the back seat of the vehicle where it is practical to do so.

The child restraint system used must comply with federal law, which mandates manufacturers meet specific performance standards while carrying a child up to specified weight and height maximums for rear-facing car seats, forward-facing car seats, and booster seats.

Child restraint system manufacturers set maximum child weight and height limits for usage in compliance with federal performance standard requirements. Federal law does not set manufacturer performance standards in terms of age restrictions.

Failure to wear a safety belt or use a child restraint system is a primary offense in Washington. The fine for this traffic infraction is \$136. If an individual has not previously had a violation of child restraint system laws dismissed, the individual may present proof of acquisition of an approved child restraint system or child booster seat, whichever is appropriate under the circumstances, within seven days to the jurisdiction that issued the notice, and the jurisdiction must dismiss the infraction. There are a limited number of exceptions provided and include shuttle service vehicles, school buses, and seating positions where there is only a lap belt available and the child weights over 40 pounds.

The WTSC oversees efforts to improve safety on Washington's public highways. The WTSC is the federally recognized highway safety office in Washington.

**Summary of Bill:** The age, height, and child passenger restraint system requirements are modified as follows:

- up to age two, a child must use a rear-facing car seat, until the child reaches the manufacturer's height and weight limits for the seat being used;
- between age two and four, a child may use a rear facing car seat, until the child reaches the manufacturer's height and weight limits for the seat being used;
- up to age four, a child must use a forward-facing car seat with harness, until child reaches the manufacturer's height and weight limits for the seat being used;
- after age four, a child may use a forward facing car seat with harness, until child reaches the manufacturer's height and weight limits for the seat being used;
- between the age of four and ten, or until a child reaches the height of 4 feet, 9 inches, a child must use a booster seat, until the child reaches the manufacturer's height and weight limits for the seat being used; and
- age ten or older may be properly secured in a booster seat until the child reaches the manufacturer's height and weight limits for the seat, or must be properly secured with the motor vehicle's safety belt.

The child restraint system used must comply with federal standards and must be secured in the vehicle in accordance with instructions of both the vehicle manufacturer and the child restraint system manufacturer.

The definition of child restraint system is amended to include a child booster seat.

The WTSC is required to produce and distribute informational and educational materials that explain the proper use of child restraint systems, the safety risks of not properly using the child restraint systems, where assistance of proper installation and use can be obtained, and the penalties for not properly using child restraint systems.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill takes effect on January 1, 2019.

**Staff Summary of Public Testimony:** PRO: This bill came from a constituent of mine who wondered how parents were supposed to keep up with what safety seat they should be using. Washington would be the first state in the nation to adopt the National Transportation Safety Board recommendations on child restraint systems.

American Academy of Pediatrics recommendations around car seats are based on significant scientific research. There is a 75 percent chance of surviving a crash if a child is in a rear facing seat when under the age of two. The Washington Chapter of the American Academy of Pediatrics has over 1000 pediatric health care providers and we support this legislation. Motor vehicle crashes remain the number one cause of death and serious injury in the U.S. for children under the age of one. In Washington, we had 102 children and teens killed in crashes between 2014-2016. Many of these injuries are completely preventable.

**Persons Testifying:** PRO: Representative Steve Bergquist, Prime Sponsor; Lelach Rave, Washington Chapter of the American Academy of Pediatrics; Shelly Baldwin, Traffic Safety Commission.

**Persons Signed In To Testify But Not Testifying:** No one.