

SHB 1012 - S AMD 627

By Senator Fortunato

NOT CONSIDERED 12/23/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 46.61.687 and 2007 c 510 s 4 are each amended to
4 read as follows:

5 (1) Whenever a child who is less than sixteen years of age is
6 being transported in a motor vehicle that is in operation and that is
7 required by RCW 46.37.510 to be equipped with a safety belt system in
8 a passenger seating position, or is being transported in a
9 neighborhood electric vehicle or medium-speed electric vehicle that
10 is in operation, a child must be restrained in a child restraint
11 system. It is recommended that the driver of the vehicle (~~shall~~)
12 keep the child properly restrained as follows:

13 (a) (~~A child must be restrained in a child restraint system, if~~
14 ~~the passenger seating position equipped with a safety belt system~~
15 ~~allows sufficient space for installation, until the child is eight~~
16 ~~years old, unless the child is four feet nine inches or taller. The~~
17 ~~child restraint system must comply with standards of the United~~
18 ~~States department of transportation and must be secured in the~~
19 ~~vehicle in accordance with instructions of the vehicle manufacturer~~
20 ~~and the child restraint system manufacturer.~~

21 (b) ~~A child who is eight years of age or older or four feet nine~~
22 ~~inches or taller shall be properly restrained with the motor~~
23 ~~vehicle's safety belt properly adjusted and fastened around the~~
24 ~~child's body or an appropriately fitting child restraint system.~~

25 (c) A child under the age of two years should be properly
26 secured in a child restraint system that is rear-facing until the
27 child reaches the weight or height limit of the child restraint
28 system as set by the manufacturer. A child may continue to be
29 properly secured in a child restraint system that is rear-facing
30 until the child reaches the weight or height limit of the child
31 restraint system as set by the manufacturer, as recommended by the
32 American academy of pediatrics.

1 (b) A child who is not properly secured in a rear-facing child
2 restraint system in accordance with (a) of this subsection and who is
3 under the age of four years should be properly secured in a child
4 restraint system that is forward-facing and has a harness until the
5 child reaches the weight or height limit of the child restraint
6 system as set by the manufacturer. A child may continue to be
7 properly secured in a child restraint system that is forward-facing
8 and has a harness until the child reaches the weight or height limit
9 of the child restraint system as set by the manufacturer, as
10 recommended by the American academy of pediatrics.

11 (c) A child who is not properly secured in a child restraint
12 system in accordance with (a) or (b) of this subsection and who is
13 under four feet nine inches tall should be properly secured in a
14 child booster seat. A child may continue to be properly secured in a
15 child booster seat until the vehicle lap and shoulder seat belts fit
16 properly, typically when the child is between the ages of eight and
17 twelve years of age, as recommended by the American academy of
18 pediatrics, or should be properly secured with the motor vehicle's
19 safety belt properly adjusted and fastened around the child's body.

20 (d) The child restraint system used must comply with standards of
21 the United States department of transportation and must be secured in
22 the vehicle in accordance with instructions of the vehicle
23 manufacturer and the child restraint system manufacturer.

24 (e) The child booster seat used must comply with standards of the
25 United States department of transportation and must be secured in the
26 vehicle in accordance with instructions of the vehicle manufacturer
27 and the child booster seat manufacturer to position a child to sit
28 properly in a federally approved safety seat belt system.

29 (f) The driver of a vehicle transporting a child who is under
30 thirteen years old shall transport the child in the back seat
31 positions in the vehicle where it is practical to do so.

32 (2) Enforcement of subsection (1) of this section is subject to a
33 visual inspection by law enforcement to determine if the child
34 restraint system in use is appropriate for the child's individual
35 height, weight, and age. The visual inspection for usage of a child
36 restraint system must ensure that the child restraint system is being
37 used in accordance with the instruction of the vehicle and the child
38 restraint system manufacturers. ~~((The driver of a vehicle~~
39 ~~transporting a child who is under thirteen years old shall transport~~

1 ~~the child in the back seat positions in the vehicle where it is~~
2 ~~practical to do so.)~~)

3 (3) A person violating subsection (1) of this section may be
4 issued a notice of traffic infraction under chapter 46.63 RCW. If the
5 person to whom the notice was issued presents proof of acquisition of
6 an approved child (~~(passenger)~~) restraint system or a child booster
7 seat, as appropriate, within seven days to the jurisdiction issuing
8 the notice and the person has not previously had a violation of this
9 section dismissed, the jurisdiction shall dismiss the notice of
10 traffic infraction.

11 (4) Failure to comply with the requirements of this section shall
12 not constitute negligence by a parent or legal guardian. Failure to
13 use a child restraint system shall not be admissible as evidence of
14 negligence in any civil action.

15 (5) This section does not apply to: (a) For hire vehicles, (b)
16 vehicles designed to transport sixteen or less passengers, including
17 the driver, operated by auto transportation companies, as defined in
18 RCW 81.68.010, (c) vehicles providing customer shuttle service
19 between parking, convention, and hotel facilities, and airport
20 terminals, and (d) school buses.

21 (6) As used in this section(~~(7)~~):

22 (a) "Child booster seat" is a type of child restraint system; a
23 backless child restraint system or a belt positioning system is a
24 child booster seat provided it meets the federal motor vehicle safety
25 standards set forth in 49 C.F.R. Sec. 571.213.

26 (b) "Child restraint system" means a child passenger restraint
27 system that meets the federal motor vehicle safety standards set
28 forth in 49 C.F.R. Sec. 571.213.

29 (7) The requirements of subsection (1)(c) of this section do not
30 apply in any seating position where there is only a lap belt
31 available (~~(and the child weighs more than forty pounds)~~).

32 (8) (a) Except as provided in (b) of this subsection, a person who
33 has a current national certification as a child passenger safety
34 technician and who in good faith provides inspection, adjustment, or
35 educational services regarding child (~~(passenger)~~) restraint systems
36 is not liable for civil damages resulting from any act or omission in
37 providing the services, other than acts or omissions constituting
38 gross negligence or willful or wanton misconduct.

39 (b) The immunity provided in this subsection does not apply to a
40 certified child passenger safety technician who is employed by a

1 retailer of child (~~passenger~~) restraint systems and who, during his
2 or her hours of employment and while being compensated, provides
3 inspection, adjustment, or educational services regarding child
4 (~~passenger~~) restraint systems.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.59
6 RCW to read as follows:

7 (1) The Washington traffic safety commission shall produce and
8 disseminate informational and educational materials explaining the
9 proper use of child restraint systems in motor vehicles, the safety
10 risks of not properly using child restraint systems in motor
11 vehicles, where assistance on the proper installation and use of
12 child restraint systems in motor vehicles can be obtained, and the
13 legal penalties for not properly using child restraint systems in
14 motor vehicles.

15 (2) As used in this section, "child restraint system" has the
16 same meaning as defined in RCW 46.61.687(6).

17 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2020."

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18 On page 1, line 1 of the title, after "systems;" strike the
19 remainder of the title and insert "amending RCW 46.61.687; adding a
20 new section to chapter 43.59 RCW; and providing an effective date."

EFFECT: (1) Maintains requirement that a child be restrained in a
child restraint system in a motor vehicle.

(2) Removes the requirement that a type of child restraint system
be used for certain age and sized children, and instead provides
recommendations for the type of child restraint system to use for
children of differing ages and sizes.

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