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**SUBSTITUTE HOUSE BILL 2414**

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**State of Washington**

**53rd Legislature**

**1994 Regular Session**

**By** House Committee on Transportation (originally sponsored by Representatives Brown, R. Fisher, Appelwick, J. Kohl, King and Patterson; by request of Washington Traffic Safety Commission)

Read first time 02/08/94.

1 AN ACT Relating to child passenger restraint systems; and amending  
2 RCW 46.61.687.

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

4 **Sec. 1.** RCW 46.61.687 and 1993 c 274 s 1 are each amended to read  
5 as follows:

6 (1) Whenever a child who is less than (~~six~~) ten years of age is  
7 being transported in a motor vehicle that is in operation and that is  
8 required by RCW 46.37.510 to be equipped with a safety belt system in  
9 a passenger seating position, the driver of the vehicle shall keep the  
10 child properly restrained as follows:

11 (a) If the child is less than (~~two~~) three years of age, the child  
12 shall be properly restrained in a child restraint system that complies  
13 with standards of the United States department of transportation and  
14 that is secured in the vehicle in accordance with instructions of the  
15 manufacturer of the child restraint system;

16 (b) If the child is less than (~~six~~) ten but at least (~~two~~)  
17 three years of age, the child shall be restrained either as specified  
18 in (a) of this subsection or with a safety belt properly adjusted and  
19 fastened around the child's body.

1 (2) A person violating subsection (1) of this section may be issued  
2 a notice of traffic infraction under chapter 46.63 RCW. If the person  
3 to whom the notice was issued presents proof of acquisition of an  
4 approved child passenger restraint system within seven days to the  
5 jurisdiction issuing the notice, the jurisdiction shall dismiss the  
6 notice of traffic infraction. (~~(If the person fails to present proof  
7 of acquisition within the time required, he or she is subject to a  
8 penalty assessment of not less than thirty dollars.)~~)

9 (3) Failure to comply with the requirements of this section shall  
10 not constitute negligence by a parent or legal guardian; nor shall  
11 failure to use a child restraint system be admissible as evidence of  
12 negligence in any civil action.

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

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