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**Transportation Committee**

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**HB 2511**

**Brief Description:** Clarifying seat belt requirements.

**Sponsors:** Representatives Flannigan, Jarrett, Lovick, Schual-Berke and Moeller; by request of Washington Traffic Safety Commission.

**Brief Summary of Bill**

- Replaces reference to federal safety standard with vehicle model years to which the seat belt law applies.

**Hearing Date:** 1/28/04

**Staff:** Page Scott (786-7301).

**Background:**

Courts in Washington have found the state's safety belt law unconstitutional because it refers to the Federal Motor Vehicle Safety Standard (FMVSS) 208. These courts have found FMVSS 208 too difficult for the average person to locate and understand. The court findings arose from felony prosecutions that began with someone being stopped for failing to wear a safety belt under Washington's primary seat belt law (RCW 46.61.688). The issue is on appeal to the state Supreme Court, but will not be heard until after the 2004 legislative session.

The FMVSS 208 applies to passenger cars, multipurpose passenger vehicles, trucks and buses. The federal standard sets forth required seat belt and other crash protection equipment by model years and types of vehicles.

Vehicles of model year 1973 and newer account for approximately 97 percent of registered vehicles in Washington. Approximately 3 percent of vehicles registered in Washington are older than model year 1973.

**Summary of Bill:**

This bill removes reference to FMVSS 208 in RCW 46.61.688(2). Instead, the bill specifies that the section only applies to:

- a) 1973 model year and newer passenger cars, multipurpose passenger vehicles, trucks and the driver's seat of buses; and
- b) neighborhood electric vehicles of any model year.

The section does not apply to vehicle occupants who are unable to use a safety belt because all available safety belts are used by other occupants.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.