
SENATE BILL 5498

State of Washington

58th Legislature

2003 Regular Session

By Senators Oke, T. Sheldon and Haugen; by request of Department of Transportation

Read first time 01/28/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to the failure to wear safety belt assembly; and
2 amending RCW 46.61.688.

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

4 **Sec. 1.** RCW 46.61.688 and 2002 c 328 s 2 are each amended to read
5 as follows:

6 (1) For the purposes of this section, the term "motor vehicle"
7 includes:

8 (a) "Buses," meaning motor vehicles with motive power, except
9 trailers, designed to carry more than ten passengers;

10 (b) "Multipurpose passenger vehicles," meaning motor vehicles with
11 motive power, except trailers, designed to carry ten persons or less
12 that are constructed either on a truck chassis or with special features
13 for occasional off-road operation;

14 (c) "Passenger cars," meaning motor vehicles with motive power,
15 except multipurpose passenger vehicles, motorcycles, or trailers,
16 designed for carrying ten passengers or less; and

17 (d) "Trucks," meaning motor vehicles with motive power, except
18 trailers, designed primarily for the transportation of property.

1 (2) This section only applies to motor vehicles that meet the
2 manual seat belt safety standards as set forth in federal motor vehicle
3 safety standard 208. This section does not apply to a vehicle occupant
4 for whom no safety belt is available when all designated seating
5 positions as required by federal motor vehicle safety standard 208 are
6 occupied.

7 (3) Every person sixteen years of age or older operating or riding
8 in a motor vehicle shall wear the safety belt assembly in a properly
9 adjusted and securely fastened manner.

10 (4) No person may operate a motor vehicle unless all child
11 passengers under the age of sixteen years are either: (a) Wearing a
12 safety belt assembly or (b) are securely fastened into an approved
13 child restraint device.

14 (5) A person violating this section shall be issued a notice of
15 traffic infraction under chapter 46.63 RCW. A finding that a person
16 has committed a traffic infraction under this section shall be
17 contained in the driver's abstract but shall not be available to
18 insurance companies or employers.

19 (6) Failure to comply with ~~((the))~~ any requirements of this section
20 ~~((does not constitute negligence, nor may failure to wear a safety belt
21 assembly))~~ may be admissible as evidence of negligence in any civil
22 action.

23 (7) This section does not apply to an operator or passenger who
24 possesses written verification from a licensed physician that the
25 operator or passenger is unable to wear a safety belt for physical or
26 medical reasons.

27 (8) The state patrol may adopt rules exempting operators or
28 occupants of farm vehicles, construction equipment, and vehicles that
29 are required to make frequent stops from the requirement of wearing
30 safety belts.

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