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**SUBSTITUTE HOUSE BILL 1012**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** House Transportation (originally sponsored by Representatives Bergquist, Barkis, Jenkins, Steele, Riccelli, Fey, Valdez, Fitzgibbon, Appleton, Robinson, Pollet, and Stanford)

READ FIRST TIME 01/28/19.

1 AN ACT Relating to the use of child passenger restraint systems;  
2 amending RCW 46.61.687; adding a new section to chapter 43.59 RCW;  
3 and providing an effective date.

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

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

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

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

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

5 (e)) A child under the age of two years must be properly secured  
6 in a child restraint system that is rear-facing until the child  
7 reaches the weight or height limit of the child restraint system as  
8 set by the manufacturer. A child may continue to be properly secured  
9 in a child restraint system that is rear-facing until the child  
10 reaches the weight or height limit of the child restraint system as  
11 set by the manufacturer, as recommended by the American academy of  
12 pediatrics.

13 (b) A child who is not properly secured in a rear-facing child  
14 restraint system in accordance with (a) of this subsection and who is  
15 under the age of four years must be properly secured in a child  
16 restraint system that is forward-facing and has a harness until the  
17 child reaches the weight or height limit of the child restraint  
18 system as set by the manufacturer. A child may continue to be  
19 properly secured in a child restraint system that is forward-facing  
20 and has a harness until the child reaches the weight or height limit  
21 of the child restraint system as set by the manufacturer, as  
22 recommended by the American academy of pediatrics.

23 (c) A child who is not properly secured in a child restraint  
24 system in accordance with (a) or (b) of this subsection and who is  
25 under four feet nine inches tall must be properly secured in a child  
26 booster seat. A child may continue to be properly secured in a child  
27 booster seat until the vehicle lap and shoulder seat belts fit  
28 properly, typically when the child is between the ages of eight and  
29 twelve years of age, as recommended by the American academy of  
30 pediatrics, or must be properly secured with the motor vehicle's  
31 safety belt properly adjusted and fastened around the child's body.

32 (d) The child restraint system used must comply with standards of  
33 the United States department of transportation and must be secured in  
34 the vehicle in accordance with instructions of the vehicle  
35 manufacturer and the child restraint system manufacturer.

36 (e) The child booster seat used must comply with standards of the  
37 United States department of transportation and must be secured in the  
38 vehicle in accordance with instructions of the vehicle manufacturer  
39 and the child booster seat manufacturer to position a child to sit  
40 properly in a federally approved safety seat belt system.

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

4        (2) Enforcement of subsection (1) of this section is subject to a  
5 visual inspection by law enforcement to determine if the child  
6 restraint system in use is appropriate for the child's individual  
7 height, weight, and age. The visual inspection for usage of a child  
8 restraint system must ensure that the child restraint system is being  
9 used in accordance with the instruction of the vehicle and the child  
10 restraint system manufacturers. ~~((The driver of a vehicle  
11 transporting a child who is under thirteen years old shall transport  
12 the child in the back seat positions in the vehicle where it is  
13 practical to do so.))~~

14        (3) A person violating subsection (1) of this section may be  
15 issued a notice of traffic infraction under chapter 46.63 RCW. If the  
16 person to whom the notice was issued presents proof of acquisition of  
17 an approved child ~~((passenger))~~ restraint system or a child booster  
18 seat, as appropriate, within seven days to the jurisdiction issuing  
19 the notice and the person has not previously had a violation of this  
20 section dismissed, the jurisdiction shall dismiss the notice of  
21 traffic infraction.

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

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

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

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

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

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

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

11 (b) The immunity provided in this subsection does not apply to a  
12 certified child passenger safety technician who is employed by a  
13 retailer of child (~~passenger~~) restraint systems and who, during his  
14 or her hours of employment and while being compensated, provides  
15 inspection, adjustment, or educational services regarding child  
16 (~~passenger~~) restraint systems.

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

19 (1) The Washington traffic safety commission shall produce and  
20 disseminate informational and educational materials explaining the  
21 proper use of child restraint systems in motor vehicles, the safety  
22 risks of not properly using child restraint systems in motor  
23 vehicles, where assistance on the proper installation and use of  
24 child restraint systems in motor vehicles can be obtained, and the  
25 legal penalties for not properly using child restraint systems in  
26 motor vehicles.

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

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

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