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**SENATE BILL 5827**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Randall, Fortunato, Dhingra, Holy, Kuderer, and Nguyen;  
by request of Washington State Patrol

Read first time 02/05/19. Referred to Committee on Transportation.

1 AN ACT Relating to exemptions from the use of safety belts; and  
2 reenacting and 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 2009 c 275 s 8 are each reenacted and  
5 amended to read as follows:

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

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

9 (b) "Medium-speed electric vehicle" meaning a self-propelled,  
10 electrically powered four-wheeled motor vehicle, equipped with a roll  
11 cage or crush-proof body design, whose speed attainable in one mile  
12 is more than thirty miles per hour but not more than thirty-five  
13 miles per hour and otherwise meets or exceeds the federal regulations  
14 set forth in 49 C.F.R. Sec. 571.500;

15 (c) "Motorcycle," meaning a three-wheeled motor vehicle that is  
16 designed (i) so that the driver rides on a seat in a partially or  
17 completely enclosed seating area that is equipped with safety belts  
18 and (ii) to be steered with a steering wheel;

19 (d) "Multipurpose passenger vehicles," meaning motor vehicles  
20 with motive power, except trailers, designed to carry ten persons or

1 less that are constructed either on a truck chassis or with special  
2 features for occasional off-road operation;

3 (e) "Neighborhood electric vehicle," meaning a self-propelled,  
4 electrically powered four-wheeled motor vehicle whose speed  
5 attainable in one mile is more than twenty miles per hour and not  
6 more than twenty-five miles per hour and conforms to federal  
7 regulations under 49 C.F.R. Sec. 571.500;

8 (f) "Passenger cars," meaning motor vehicles with motive power,  
9 except multipurpose passenger vehicles, motorcycles, or trailers,  
10 designed for carrying ten passengers or less; and

11 (g) "Trucks," meaning motor vehicles with motive power, except  
12 trailers, designed primarily for the transportation of property.

13 (2) (a) This section only applies to:

14 (i) Motor vehicles that meet the manual seat belt safety  
15 standards as set forth in 49 C.F.R. Sec. 571.208;

16 (ii) Motorcycles, when equipped with safety belts that meet the  
17 standards set forth in 49 C.F.R. Part 571; and

18 (iii) Neighborhood electric vehicles and medium-speed electric  
19 vehicles that meet the seat belt standards as set forth in 49 C.F.R.  
20 Sec. 571.500.

21 (b) This section does not apply to a vehicle occupant for whom no  
22 safety belt is available when all designated seating positions as  
23 required under 49 C.F.R. Part 571 are occupied.

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

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

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

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

39 (7) This section does not apply to an operator or passenger,  
40 except for an operator or passenger operating a commercial motor

1 vehicle as defined in RCW 46.32.005, who possesses written  
2 verification from a licensed physician that the operator or passenger  
3 is unable to wear a safety belt for physical or medical reasons.

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

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