

# FINAL BILL REPORT

## ESHB 2675

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Synopsis as Enacted

**Brief Description:** Updating requirements for child passenger restraint systems.

**Sponsors:** By House Committee on Transportation (originally sponsored by Representatives Skinner, Schual-Berke, Mitchell, Fisher, McDonald, Ruderman, O'Brien and Hurst).

**House Committee on Transportation**  
**Senate Committee on Transportation**

### **Background:**

Safety restraint laws have been in effect in Washington since the early 1980s and are directly linked to increased seatbelt and child car seat usage, as well as decreased fatalities and injuries resulting from car accidents.

In 1983 the Legislature enacted child passenger restraint laws with the following requirements: between birth and 3 years of age, a child must be restrained in a child safety seat; and between the ages of 3 years and 10 years, a child must be restrained in either a child safety seat or a seat belt. It is a traffic infraction for any person not complying with the requirements. However, if the person found to be in violation provides proof that he or she purchased an approved child passenger restraint system within seven days of receiving the infraction, the court must dismiss the notice of infraction.

In 1986 the Legislature enacted seat belt laws which require anyone who is operating a vehicle, or riding as a passenger in a vehicle, to wear a safety belt or be in a child safety seat. It is a traffic infraction for any person not to wear a seat belt or be in a child safety seat as required by law.

Law enforcement may not detain a driver just because the driver or passengers were not using seat belts or restraints. Washington's seatbelt and child safety seat laws may only be enforced as a secondary action when a driver has been stopped for a different traffic violation.

In looking for ways to improve upon current traffic safety practices, recent federal studies have produced new recommendations on restraint standards specifically relating to child restraint requirements. Based on a recent study, the National Highway Traffic Safety Administration found that 71 percent of deaths and 66 percent

of injuries in car accidents could be eliminated if every child under the age of 15 used an appropriate restraint system. In light of this finding, a Blue Ribbon Passenger Safety Panel, headed by the Secretary of the U.S. Department of Transportation, came out with the recommendation that to provide the utmost safety to children, those who weigh between 40 and 80 pounds should be placed in a booster seat when traveling in a vehicle.

### **Summary of Bill:**

New provisions are added to the child passenger restraint laws, and the enforcement provisions are amended.

Children under the age of 16 years must be restrained in a vehicle according to the following:

- 1 year of age or under or 20 pounds - a rear facing infant seat.
- Between 1 year of age or over 20 pounds and 4 years of age, or under 40 pounds - a forward facing child safety seat.
- Between 4 years of age or over 40 pounds and 6 years of age or under 60 pounds - a booster seat.
- 6 years of age and older - a seatbelt.

The penalty for violations of the new age/weight based child seat requirements is a traffic infraction. If the person found to be in violation provides proof that he or she purchased an approved child passenger restraint system within seven days of receiving the citation, the court must dismiss the notice of infraction.

The child restraint requirements are contingent on the vehicle having a safety belt system that allows for sufficient space for installation of the safety seat(s).

For vehicles equipped with passenger-side air bags and the air bag system is activated, children under the age of 6 or under 60 pounds must be transported in the back seat of the vehicle, when practical to do so.

School buses are exempt from these requirements.

Vehicles with only lap belt systems are exempt from the booster seat requirement.

A "child booster seat" is defined as a child passenger restraint system that meets the Federal Motor Vehicle Safety Standards set forth in federal regulations that is designed to elevate a child to properly sit in a federally approved lap/shoulder belt system.

The enforcement of child restraint usage is made a primary action, but seatbelt enforcement is left as a secondary action.

Law enforcement must do a visual inspection of the child restraint system in use to ensure that the system provides the maximum safety and security to each individual child. The enforcement requirement is to be applied in conjunction with the specific weight/age criteria.

The Washington Traffic Safety Commission is required to conduct an educational campaign on the use of child car seats, booster seats, and seat belt use.

**Votes on Final Passage:**

House 86 10

Senate 35 8 (Senate amended)

House (House refused to concur)

Senate 39 7 (Senate amended)

House 83 15 (House concurred)

**Effective:** July 1, 2002