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**SUBSTITUTE HOUSE BILL 1503**

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**State of Washington                      52nd Legislature                      1991 Regular Session**

**By** House Committee on Judiciary (originally sponsored by Representative Appelwick).

Read first time March 5, 1991.

1            AN ACT Relating to safety belts; and amending RCW 46.61.688.

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

3            **Sec. 1.** RCW 46.61.688 and 1990 c 250 s 58 are each amended to read  
4 as follows:

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

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

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

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

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

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

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

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

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

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

24 ~~(7) ((Enforcement of this section by law enforcement officers may  
25 be accomplished only as a secondary action when a driver of a motor  
26 vehicle has been detained for a suspected violation of Title 46 RCW or  
27 an equivalent local ordinance or some other offense.~~

28 ~~(8))~~ This section does not apply to an operator or passenger who  
29 possesses written verification from a licensed physician that the

1 operator or passenger is unable to wear a safety belt for physical or  
2 medical reasons.

3 ~~((+9))~~ (8) The state patrol may adopt rules exempting operators or  
4 occupants of farm vehicles, construction equipment, and vehicles that  
5 are required to make frequent stops from the requirement of wearing  
6 safety belts.

7 (9) No law enforcement officer may use enforcement of this section  
8 as a pretext to harass any person in a manner that is reasonably  
9 related to or directed toward that person's perceived race, color,  
10 religion, ancestry, national origin, sexual orientation, gender, or  
11 disability. A person who is harassed in violation of this subsection  
12 has a civil cause of action for recovery of actual damages, punitive  
13 damages of up to ten thousand dollars, and reasonable attorney fees.  
14 The remedies provided by this subsection are in addition to any other  
15 remedies otherwise available under law.