

2 **ESB 5879 - H COMM AMD ADOPTED AS AMENDED 4-15-93**

3 By Committee on Transportation

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 46.61.687 and 1987 c 330 s 745 are each amended to  
8 read as follows:

9 ~~(1) ((After December 31, 1983, the parent or legal guardian of a~~  
10 ~~child less than five years old, when the parent or legal guardian is~~  
11 ~~operating anywhere in the state his or her own motor vehicle registered~~  
12 ~~under chapter 46.16 RCW, in which the child is a passenger, shall have~~  
13 ~~the child properly secured in a manner approved by the state patrol.~~  
14 ~~Even though a separate child passenger restraint device is considered~~  
15 ~~the ideal method of protection, a properly adjusted and fastened,~~  
16 ~~federally approved seat belt is deemed sufficient to meet the~~  
17 ~~requirements of this section for children one through four years of~~  
18 ~~age)) Whenever a child who is less than six years of age is being~~  
19 ~~transported in a motor vehicle that is in operation and that is~~  
20 ~~required by RCW 46.37.510 to be equipped with a safety belt system in~~  
21 ~~a passenger seating position, with the exception of (a) for hire~~  
22 ~~vehicles as defined in RCW 46.72.010(1); (b) motor vehicles designed to~~  
23 ~~transport sixteen or more passengers, including the driver; and (c)~~  
24 ~~auto transportation companies, the driver of the vehicle shall keep the~~  
25 ~~child properly restrained as follows:~~

26 ~~(i) If the child weighs less than forty pounds or is less than four~~  
27 ~~years of age, the child shall be properly restrained in a child~~  
28 ~~restraint system that complies with standards of the United States~~  
29 ~~department of transportation and that is secured in the vehicle in~~  
30 ~~accordance with instructions of the manufacturer of the child restraint~~  
31 ~~system;~~

32 ~~(ii) If the child is less than six but weighs at least forty pounds~~  
33 ~~or is at least four years of age, the child shall be restrained either~~  
34 ~~as specified in (i) of this subsection or with a safety belt properly~~  
35 ~~adjusted and fastened around the child's body.~~

1           (2) (~~During the period from January 1, 1984, to July 1, 1984, a~~  
2 ~~person violating subsection (1) of this section may be issued a written~~  
3 ~~warning of the violation. After July 1, 1984,~~) A person violating  
4 subsection (1) of this section may be issued a notice of traffic  
5 infraction under chapter 46.63 RCW. If the person to whom the notice  
6 was issued presents proof of acquisition of an approved child passenger  
7 restraint system within seven days to the jurisdiction issuing the  
8 notice, the jurisdiction shall dismiss the notice of traffic  
9 infraction. If the person fails to present proof of acquisition  
10 within the time required, he or she is subject to a penalty assessment  
11 of not less than thirty dollars.

12           (3) Failure to comply with the requirements of this section shall  
13 not constitute negligence by a parent or legal guardian; nor shall  
14 failure to use a child restraint system be admissible as evidence of  
15 negligence in any civil action."

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