

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

3 By Committee on Transportation

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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; (c) rental
24 car businesses with fleets of fewer than fifteen motor vehicles; and
25 (d) auto transportation companies, the driver of the vehicle shall keep
26 the child properly restrained as follows:

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

33 (ii) If the child is less than six but weighs at least forty pounds
34 or is at least four years of age, the child shall be restrained either
35 as specified in (ii) of this subsection or with a safety belt properly
36 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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