

2 **SHB 2675 - H AMD 541 ADOPTED 2-15-00**

3 By Representative

4

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

7 "NEW SECTION. Sec. 1. The legislature recognizes that fewer than
8 five percent of all drivers use child booster seats for children over
9 the age of four years. The legislature also recognizes that seventy-
10 one percent of deaths resulting from car accidents could be eliminated
11 if every child under the age of sixteen used an appropriate child
12 safety seat, booster seat, or seat belt. The legislature further
13 recognizes the National Transportation Safety Board's recommendations
14 that promote the use of booster seats to increase the safety of
15 children under eight years of age. Therefore, it is the legislature's
16 intent to decrease deaths and injuries to children by promoting safety
17 education and injury prevention measures, as well as increasing public
18 awareness on ways to maximize the protection of children in vehicles.

19 **Sec. 2.** RCW 46.61.687 and 1994 c 100 s 1 are each amended to read
20 as follows:

21 (1) Whenever a child who is less than ~~((ten))~~ sixteen years of age
22 is being transported in a motor vehicle that is in operation and that
23 is required by RCW 46.37.510 to be equipped with a safety belt system
24 in a passenger seating position, the driver of the vehicle shall keep
25 the child properly restrained in a child restraint system that complies
26 with standards of the United States department of transportation and
27 that is secured in the vehicle in accordance with instructions of the
28 manufacturer of the child restraint system as follows:

29 (a) If the child is less than one year of age or weighs less than
30 twenty pounds, the child shall be properly restrained in a rear-facing
31 infant seat;

32 (b) If the child is more than one but less than ((three)) four
33 years of age or weighs less than forty pounds but at least twenty
34 pounds, the child shall be properly restrained in a forward facing
35 child safety seat restraint system ((that complies with standards of

1 ~~the United States department of transportation and that is secured in~~
2 ~~the vehicle in accordance with instructions of the manufacturer of the~~
3 ~~child restraint system))~~);

4 ~~((b))~~ (c) If the child is less than ~~((ten))~~ six but at least
5 ~~((three))~~ four years of age or weighs less than sixty pounds but at
6 least forty pounds, the child shall be properly restrained ~~((either as~~
7 ~~specified in (a) of this subsection or with a safety belt properly~~
8 ~~adjusted and fastened around the child's body.))~~ in a child booster
9 seat;

10 (d) If the child is six years of age or older or weighs more than
11 sixty pounds, the child shall be properly restrained with the motor
12 vehicle's safety belt properly adjusted and fastened around the child's
13 body; and

14 (e) Enforcement of (a) through (d) of this subsection is subject to
15 a visual inspection by law enforcement to determine if the child
16 restraint system in use is appropriate for the child's individual
17 height, weight, and age. The visual inspection for usage of a forward
18 facing child safety seat must ensure that the seat in use is equipped
19 with a four-point shoulder harness system. The visual inspection for
20 usage of a booster seat must ensure that the seat belt properly fits
21 across the child's lap and the shoulder strap crosses the center of the
22 child's chest. The visual inspection for the usage of a seat belt by
23 a child must ensure that the lap belt properly fits across the child's
24 lap and the shoulder strap crosses the center of the child's chest. In
25 determining violations, consideration to the above criteria must be
26 given in conjunction with the provisions of (a) through (d) of this
27 subsection. The driver of a vehicle transporting a child who is under
28 the age of six years old or weighs less than sixty pounds, when the
29 vehicle is equipped with a passenger side air bag supplemental
30 restraint system, and the air bag system is activated, shall transport
31 the child in the back seat positions in the vehicle where it is
32 practical to do so.

33 (2) A person violating subsection (1)(a) through (d) of this
34 section may be issued a notice of traffic infraction under chapter
35 46.63 RCW. If the person to whom the notice was issued presents proof
36 of acquisition of an approved child passenger restraint system or a
37 child booster seat, as appropriate, within seven days to the
38 jurisdiction issuing the notice and the person has not previously had

1 a violation of this section dismissed, the jurisdiction shall dismiss
2 the notice of traffic infraction.

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

7 (4) This section does not apply to: (a) For hire vehicles, (b)
8 vehicles designed to transport sixteen or less passengers, including
9 the driver, operated by auto transportation companies, as defined in
10 RCW 81.68.010, (~~and~~) (c) vehicles providing customer shuttle service
11 between parking, convention, and hotel facilities, and airport
12 terminals, and (d) school buses.

13 (5) As used in this section "child booster seat" means a child
14 passenger restraint system that meets the Federal Motor Vehicle Safety
15 Standards set forth in 49 C.F.R. 571.213 that is designed to elevate a
16 child to properly sit in a federally approved lap/shoulder belt system.

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

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

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

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

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

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

32 (2) This section only applies to motor vehicles that meet the
33 manual seat belt safety standards as set forth in federal motor vehicle
34 safety standard 208. This section does not apply to a vehicle occupant
35 for whom no safety belt is available when all designated seating
36 positions as required by federal motor vehicle safety standard 208 are
37 occupied.

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

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

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

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

16 (7) Except for subsection (4)(b) of this section, which must be
17 enforced as a primary action, enforcement of this section by law
18 enforcement officers may be accomplished only as a secondary action
19 when a driver of a motor vehicle has been detained for a suspected
20 violation of Title 46 RCW or an equivalent local ordinance or some
21 other offense.

22 (8) This section does not apply to an operator or passenger who
23 possesses written verification from a licensed physician that the
24 operator or passenger is unable to wear a safety belt for physical or
25 medical reasons.

26 (9) The state patrol may adopt rules exempting operators or
27 occupants of farm vehicles, construction equipment, and vehicles that
28 are required to make frequent stops from the requirement of wearing
29 safety belts.

30 NEW SECTION. Sec. 4. A new section is added to chapter 46.61 RCW
31 to read as follows:

32 The traffic safety commission shall conduct an educational campaign
33 using all available methods to raise public awareness of the importance
34 of properly restraining child passengers and the value of seatbelts to
35 adult motorists. The traffic safety commission shall report to the
36 transportation committees of the legislature on the campaign and
37 results observed on the highways. The first report is due December 1,
38 2000, and annually thereafter.

1 NEW SECTION. **Sec. 5.** This act may be known and cited as the Anton
2 Skeen Act.

3 NEW SECTION. **Sec. 6.** This act takes effect July 1, 2002."

4 Correct the title.

EFFECT: (1) Establishes the intent of SHB 2675 as one of increasing public awareness on ways to maximize the protection of children in vehicles, as well as promoting safety education and injury prevention. Therefore, it is not the intent of the legislature to establish this measure as a punitive action aimed at penalizing well-intentioned drivers.

 (2)(a) Establishes that children between four years of age and six years of age or between forty pounds and sixty pounds be required to be restrained in a child booster seat. This replaces the existing language which sets the older age limit and maximum weight limits at eight years of age or eighty pounds.

 (b) Establishes language which requires law enforcement to do a visual inspection of the child restraint system in use to ensure that the system in use provides the maximum safety and security to each individual child. This enforcement requirement is to be applied in conjunction with the specific weight/age criteria set forth in the bill.

 (3) Closes the gap created by setting a maximum weight requirement of twenty pounds for rear-facing infant seats, by establishing that the minimum weight requirement for a forward facing car seat is twenty pounds.

 (4) In order to ensure adequate time for the public to become aware of and educated about the new requirements for child restraint systems, the date on which this bill would take effect is delayed for one year, to July 1, 2002. This has the effect that no infractions could be issued to drivers for violations of the bill's provisions until after July 1, 2002.

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