

2 **ESHB 2675** - S COMM AMD (**S4970.1** Amd by #212)  
3 By Committee on Transportation

4 ADOPTED AS AMENDED 3/1/00

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 as follows:

26 (a) If the child is less than eight years old and/or eighty pounds  
27 and the passenger seating position equipped with a safety belt system  
28 allows sufficient space for installation, then the child will be  
29 restrained in a child restraint system that complies with standards of  
30 the United States department of transportation and that is secured in  
31 the vehicle in accordance with instructions of the manufacturer of the  
32 child restraint system;

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

1 (c) If the child is more than one but less than ((three)) four  
2 years of age and/or weighs less than forty pounds but at least twenty  
3 pounds, the child shall be properly restrained in a forward facing  
4 child safety seat restraint system ((that complies with standards of  
5 the United States department of transportation and that is secured in  
6 the vehicle in accordance with instructions of the manufacturer of the  
7 child restraint system));

8 ~~((b))~~ (d) If the child is less than ((ten)) eight years of age  
9 and/or eighty pounds but at least ((three)) four years of age, the  
10 child shall be properly restrained ((either as specified in (a) of this  
11 subsection or with a safety belt properly adjusted and fastened around  
12 the child's body-)) in a child booster seat;

13 (e) If the child is eight years of age or older or weighs more than  
14 eighty pounds, the child shall be properly restrained with the motor  
15 vehicle's safety belt properly adjusted and fastened around the child's  
16 body; and

17 (f) Enforcement of (a) through (e) of this subsection is subject to  
18 a visual inspection by law enforcement to determine if the child  
19 restraint system in use is appropriate for the child's individual  
20 height, weight, and age. The visual inspection for usage of a forward  
21 facing child safety seat must ensure that the seat in use is equipped  
22 with a four-point shoulder harness system. The visual inspection for  
23 usage of a booster seat must ensure that the seat belt properly fits  
24 across the child's lap and the shoulder strap crosses the center of the  
25 child's chest. The visual inspection for the usage of a seat belt by  
26 a child must ensure that the lap belt properly fits across the child's  
27 lap and the shoulder strap crosses the center of the child's chest. In  
28 determining violations, consideration to the above criteria must be  
29 given in conjunction with the provisions of (a) through (e) of this  
30 subsection.

31 (g) The driver of a vehicle transporting a child under the age of  
32 eight years old and/or eighty pounds, when the vehicle is equipped with  
33 a passenger side air bag supplemental restraint system, shall transport  
34 the child in the back seat positions in the vehicle where it is  
35 practical to do so.

36 (2) A person violating subsection (1)(a) through (d) of this  
37 section may be issued a notice of traffic infraction under chapter  
38 46.63 RCW. If the person to whom the notice was issued presents proof  
39 of acquisition of an approved child passenger restraint system within

1 seven days to the jurisdiction issuing the notice and the person has  
2 not previously had a violation of this section dismissed, the  
3 jurisdiction shall dismiss the notice of traffic infraction.

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

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

14 (5) The requirements of subsection (1)(a) through (d) of this  
15 section do not apply in any seating position where there is only a lap  
16 belt available and the child weighs more than forty pounds.

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 wearing a safety  
6 belt assembly or are securely fastened into an approved child restraint  
7 device under RCW 46.61.687.

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)(a) Enforcement of subsection (4) of this section by law  
17 enforcement officers may be accomplished as a primary action.

18 (b) Enforcement of subsections (1) through (3) and (5) through (9)  
19 of this section by law enforcement officers may be accomplished only as  
20 a secondary action when a driver of a motor vehicle has been detained  
21 for a suspected violation of Title 46 RCW or an equivalent local  
22 ordinance or some other offense.

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

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

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

33 The traffic safety commission shall conduct an educational campaign  
34 using all available methods to raise public awareness of the importance  
35 of properly restraining child passengers and the value of seatbelts to  
36 adult motorists. The traffic safety commission shall report to the  
37 transportation committees of the legislature on the campaign and

1 results observed on the highways. The first report is due December 1,  
2 2000, and annually thereafter.

3 NEW SECTION. **Sec. 5.** A new section is added to chapter 46.61 RCW  
4 to read as follows:

5 This act may be known and cited as the Anton Skeen act.

6 NEW SECTION. **Sec. 6.** This act takes effect January 1, 2001."

7 **ESHB 2675 - S COMM AMD (S4970.1)**  
8 By Committee on Transportation

9 ADOPTED 3/1/00

10 On page 1, line 1 of the title, after "systems;" strike the  
11 remainder of the title and insert "amending RCW 46.61.687 and  
12 46.61.688; adding new sections to chapter 46.61 RCW; creating a new  
13 section; and providing an effective date."

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