

2 **ESHB 2675** - S COMM AMD
3 By Committee on Transportation

4 ADOPTED 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 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 and/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)) eight years of age
5 and/or eighty pounds but at least ((three)) four years of age, the
6 child shall be properly restrained ((either as specified in (a) of this
7 subsection or with a safety belt properly adjusted and fastened around
8 the child's body-)) in a child booster seat;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (4) No person may operate a motor vehicle unless all child
2 passengers under the age of sixteen years are either wearing a safety
3 belt assembly or are securely fastened into an approved child restraint
4 device under RCW 46.61.687.

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

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

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

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

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

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

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

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

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

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

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

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ADOPTED 3/1/00

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

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