

2 SSB 6613 - S AMD - 135

3 By Senators Costa, Oke, Goings and Heavey

4 OUT OF ORDER 2/14/00

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

7 "Sec. 1. RCW 46.61.687 and 1994 c 100 s 1 are each amended to read
8 as follows:

9 (1) Whenever a child who is less than ~~((ten))~~ sixteen years of age
10 is being transported in a motor vehicle that is in operation and that
11 is required by RCW 46.37.510 to be equipped with a safety belt system
12 in a passenger seating position, the driver of the vehicle shall keep
13 the child properly restrained in a child restraint system that complies
14 with standards of the United States department of transportation and
15 that is secured in the vehicle in accordance with instructions of the
16 manufacturer of the child restraint system as follows:

17 (a) If the child is less than one year of age, the child shall be
18 properly restrained in a rear-facing infant seat;

19 (b) If the child is more than one but less than ~~((three))~~ four
20 years of age and/or weighs less than forty pounds, the child shall be
21 properly restrained in a forward facing child safety seat restraint
22 system ~~((that complies with standards of the United States department~~
23 of transportation and that is secured in the vehicle in accordance with
24 instructions of the manufacturer of the child restraint system));

25 ~~((b))~~ (c) If the child is less than ~~((ten))~~ eight years of age
26 and/or eighty pounds but at least ~~((three))~~ four years of age, the
27 child shall be properly restrained ~~((either as specified in (a) of this~~
28 subsection or with a safety belt properly adjusted and fastened around
29 the child's body.)) in a child booster seat;

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

34 (e) The driver of a vehicle transporting a child under the age of
35 eight years old and/or eighty pounds, when the vehicle is equipped with
36 a passenger side air bag supplemental restraint system, shall transport

1 the child in the back seat positions in the vehicle where it is
2 practical to do so.

3 (2) A person violating subsection (1)(a) through (c) of this
4 section may be issued a notice of traffic infraction under chapter
5 46.63 RCW. If the person to whom the notice was issued presents proof
6 of acquisition of an approved child passenger restraint system within
7 seven days to the jurisdiction issuing the notice and the person has
8 not previously had a violation of this section dismissed, the
9 jurisdiction shall dismiss the notice of traffic infraction.

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

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

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

23 **Sec. 2.** RCW 46.61.688 and 1990 c 250 s 58 are each amended to read
24 as follows:

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

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

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

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

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

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

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

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

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

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

22 (7)(a) Enforcement of subsection (4) of this section by law
23 enforcement officers must be accomplished as a primary action.

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

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

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

37 NEW SECTION. Sec. 3. A new section is added to chapter 46.61 RCW
38 to read as follows:

