
SUBSTITUTE HOUSE BILL 2675

State of Washington

56th Legislature

2000 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Skinner, Schual-Berke, Mitchell, Fisher, McDonald, Ruderman, O'Brien and Hurst)

Read first time 02/02/2000. Referred to Committee on .

1 AN ACT Relating to child passenger restraint systems; amending RCW
2 46.61.687 and 46.61.688; adding new sections to chapter 46.61 RCW;
3 creating a new section; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 46.61.687 and 1994 c 100 s 1 are each amended to read
6 as follows:

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

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

18 (b) If the child is more than one but less than (~~three~~) four
19 years of age or weighs less than forty pounds, the child shall be

1 properly restrained in a forward facing child safety seat restraint
2 system ((that complies with standards of the United States department
3 of transportation and that is secured in the vehicle in accordance with
4 instructions of the manufacturer of the child restraint system));

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

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

15 (e) The driver of a vehicle transporting a child who is under the
16 age of eight years old or weighs less than eighty pounds, when the
17 vehicle is equipped with a passenger side air bag supplemental
18 restraint system, and the air bag system is activated, shall transport
19 the child in the back seat positions in the vehicle where it is
20 practical to do so.

21 (2) A person violating subsection (1)(a) through (d) of this
22 section may be issued a notice of traffic infraction under chapter
23 46.63 RCW. If the person to whom the notice was issued presents proof
24 of acquisition of an approved child passenger restraint system or a
25 child booster seat, as appropriate, within seven days to the
26 jurisdiction issuing the notice and the person has not previously had
27 a violation of this section dismissed, the jurisdiction shall dismiss
28 the notice of traffic infraction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 The traffic safety commission shall conduct an educational campaign
21 using all available methods to raise public awareness of the importance
22 of properly restraining child passengers and the value of seatbelts to
23 adult motorists. The traffic safety commission shall report to the
24 transportation committees of the legislature on the campaign and
25 results observed on the highways. The first report is due December 1,
26 2000, and annually thereafter.

27 NEW SECTION. Sec. 4. This act may be known and cited as the Anton
28 Skeen Act.

29 NEW SECTION. Sec. 5. This act takes effect July 1, 2001.

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