
ENGROSSED SENATE BILL 6613

State of Washington

56th Legislature

2000 Regular Session

By Senators Costa, Long, Haugen, Oke, Winsley, Thibaudeau and Kohl-Welles

Read first time 01/20/2000. Referred to Committee on Transportation.

1 AN ACT Relating to child passenger restraint systems; amending RCW
2 46.61.687 and 46.61.688; and adding new sections to chapter 46.61 RCW.

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

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

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

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

16 (b) If the child is more than one but less than (~~three~~) four
17 years of age and/or weighs less than forty pounds, the child shall be
18 properly restrained in a forward facing child safety seat restraint
19 system (~~that complies with standards of the United States department~~

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

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

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

12 (e) The driver of a vehicle transporting a child under the age of
13 eight years old and/or eighty pounds, when the vehicle is equipped with
14 a passenger side air bag supplemental restraint system, shall transport
15 the child in the back seat positions in the vehicle where it is
16 practical to do so.

17 (2) A person violating subsection (1)(a) through (c) of this
18 section may be issued a notice of traffic infraction under chapter
19 46.63 RCW. If the person to whom the notice was issued presents proof
20 of acquisition of an approved child passenger restraint system within
21 seven days to the jurisdiction issuing the notice and the person has
22 not previously had a violation of this section dismissed, the
23 jurisdiction shall dismiss the notice of traffic infraction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (b) Enforcement of subsections (1) through (3) and (5) through (9)
38 of this section by law enforcement officers may be accomplished only as
39 a secondary action when a driver of a motor vehicle has been detained

1 for a suspected violation of Title 46 RCW or an equivalent local
2 ordinance or some other offense.

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

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

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

13 The traffic safety commission shall conduct an educational campaign
14 using all available methods to raise public awareness of the importance
15 of properly restraining child passengers and the value of seatbelts to
16 adult motorists. The traffic safety commission shall report to the
17 transportation committees of the legislature on the campaign and
18 results observed on the highways. The first report is due December 1,
19 2000, and annually thereafter.

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

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

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