
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-2266.1/01

ATTY/TYPIST: GR:rmh

BRIEF DESCRIPTION:

2 HB 1460 - H AMD

3 By Representative Lambert

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

7 "Sec. 1. RCW 46.61.688 and 1990 c 250 s 58 are each amended to
8 read as follows:

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

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

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

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

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

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

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

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

35 (5) A person violating this section shall be issued a notice of
36 traffic infraction under chapter 46.63 RCW. A finding that a person

1 has committed a traffic infraction under this section shall be
2 contained in the driver's abstract but shall not be available to
3 insurance companies or employers.

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

7 ~~(7) ((Enforcement of this section by law enforcement officers may
8 be accomplished only as a secondary action when a driver of a motor
9 vehicle has been detained for a suspected violation of Title 46 RCW or
10 an equivalent local ordinance or some other offense.~~

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

15 ~~((9))~~ (8) The state patrol may adopt rules exempting operators or
16 occupants of farm vehicles, construction equipment, and vehicles that
17 are required to make frequent stops from the requirement of wearing
18 safety belts.

19 (9) Law enforcement officers enforcing this section shall state on
20 the notice of traffic infraction the reason the officer noticed that
21 the driver or passenger was not wearing a safety belt.

22 **Sec. 2.** RCW 46.61.688 and 2000 c 190 s 3 are each amended to read
23 as follows:

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

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

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

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

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

37 (2) This section only applies to motor vehicles that meet the
38 manual seat belt safety standards as set forth in federal motor vehicle

1 safety standard 208. This section does not apply to a vehicle occupant
2 for whom no safety belt is available when all designated seating
3 positions as required by federal motor vehicle safety standard 208 are
4 occupied.

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

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

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

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

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

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

30 ~~((9))~~ (8) The state patrol may adopt rules exempting operators or
31 occupants of farm vehicles, construction equipment, and vehicles that
32 are required to make frequent stops from the requirement of wearing
33 safety belts.

34 (9) Law enforcement officers enforcing this section shall state on
35 the notice of traffic infraction the reason the officer noticed that
36 the driver or passenger was not wearing a safety belt.

37 NEW SECTION. Sec. 3. Section 1 of this act expires July 1, 2002.

1 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect July 1,
2 2002."

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