
HOUSE BILL 1772

State of Washington

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2001 Regular Session

By Representatives Schual-Berke, Skinner, Fisher, Cody, Ogden, Lovick, Kenney, Cooper, Keiser, Darneille and Kagi

Read first time 02/02/2001. Referred to Committee on Transportation.

1 AN ACT Relating to child passenger safety restraint systems;
2 amending RCW 46.61.687 and 46.61.688; and providing an effective date.

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

4 **Sec. 1.** RCW 46.61.687 and 2000 c 190 s 2 are each amended to read
5 as follows:

6 (1) Whenever a child who is less than sixteen years of age is being
7 transported in a motor vehicle that is in operation and that is
8 required by RCW 46.37.510 to be equipped with a safety belt system in
9 a passenger seating position, the driver of the vehicle shall keep the
10 child properly restrained as follows:

11 (a) If the child is less than (~~six~~) eight years old ((and/or
12 ~~sixty~~) and eighty pounds and the passenger seating position equipped
13 with a safety belt system allows sufficient space for installation,
14 then the child will be restrained in a child restraint system that
15 complies with standards of the United States department of
16 transportation and that is secured in the vehicle in accordance with
17 instructions of the manufacturer of the child restraint system;

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

4 (c) If the child is more than one but less than four years of age
5 or weighs less than forty pounds but at least twenty pounds, the child
6 shall be properly restrained in a forward facing child safety seat
7 restraint system;

8 (d) If the child is less than (~~six~~) eight but at least four years
9 of age or weighs less than (~~sixty~~) eighty pounds but at least forty
10 pounds, the child shall be properly restrained in a child booster seat;

11 (e) If the child is (~~six~~) eight years of age or older or weighs
12 more than (~~sixty~~) eighty pounds or is over four feet nine inches
13 tall, the child shall be properly restrained with the motor vehicle's
14 safety belt properly adjusted and fastened around the child's body or
15 an appropriately fitting booster seat; and

16 (f) Enforcement of (a) through (e) of this subsection is subject to
17 a visual inspection by law enforcement to determine if the child
18 restraint system in use is appropriate for the child's individual
19 height, weight, and age. The visual inspection for usage of a forward
20 facing child safety seat must ensure that the seat in use is equipped
21 with a (~~four-point~~) shoulder harness system. The visual inspection
22 for usage of a booster seat must ensure that the seat belt properly
23 fits across the child's lap and the shoulder strap crosses the center
24 of the child's chest. The visual inspection for the usage of a seat
25 belt by a child must ensure that the lap belt properly fits across the
26 child's lap and the shoulder strap crosses the center of the child's
27 chest. In determining violations, consideration to the above criteria
28 must be given in conjunction with the provisions of (a) through (e) of
29 this subsection. The driver of a vehicle transporting a child who is
30 under the age of (~~six~~) eight years old or weighs less than (~~sixty~~)
31 eighty pounds, when the vehicle is equipped with a passenger side air
32 bag supplemental restraint system, and the air bag system is activated,
33 shall transport the child in the back seat positions in the vehicle
34 where it is practical to do so.

35 (2) A person violating subsection (1)(a) through (e) of this
36 section may be issued a notice of traffic infraction under chapter
37 46.63 RCW. If the person to whom the notice was issued presents proof
38 of acquisition of an approved child passenger restraint system or a
39 child booster seat, as appropriate, within seven days to the

1 jurisdiction issuing the notice and the person has not previously had
2 a violation of this section dismissed, the jurisdiction shall dismiss
3 the notice of traffic infraction.

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

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

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

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

21 (7) A person, including but not limited to a volunteer provider of
22 services, who without compensation, renders inspection, adjustment, or
23 educational services regarding child passenger restraint systems is not
24 liable for civil damages from any act or omission in rendering the
25 services, other than acts or omissions constituting gross negligence or
26 willful or wanton misconduct.

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (9) The state patrol may adopt rules exempting operators or
38 occupants of farm vehicles, construction equipment, and vehicles that

1 are required to make frequent stops from the requirement of wearing
2 safety belts.

3 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2002.

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