
ENGROSSED SUBSTITUTE SENATE BILL 5112

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Costa, Swecker, Fairley, Oke, Gardner, Haugen, Eide, Kohl-Welles and Patterson)

READ FIRST TIME 02/08/01.

1 AN ACT Relating to child passenger restraint systems; amending RCW
2 46.61.687; 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) Enforcement of subsection (2) of this section is subject to a
7 visual inspection by law enforcement to determine if the child
8 restraint system in use is appropriate for the child's individual
9 height, weight, and age. The visual inspection for usage of a child
10 car seat must ensure that the seat in use is equipped with a harness
11 system. The visual inspection for usage of a booster seat must ensure
12 that the seat belt properly fits across the child's lap and the
13 shoulder strap crosses the center of the child's chest. The visual
14 inspection for usage of a seat belt by a child must ensure that the lap
15 belt properly fits across the child's lap and the shoulder strap
16 crosses the center of the child's chest. In determining violations,
17 consideration to the criteria in this subsection must be given in
18 conjunction with the provisions of subsection (2) of this section.

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

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

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

16 (c) If the child is more than one but less than four years of age
17 or weighs less than forty pounds but at least twenty pounds, the child
18 shall be properly restrained in a forward-facing child ~~((safety))~~ car
19 seat ~~((restraint system))~~;

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

24 (e) If the child is ~~((six))~~ eight years of age or older or weighs
25 more than ~~((sixty))~~ eighty pounds, the child shall be properly
26 restrained with the motor vehicle's safety belt properly adjusted and
27 fastened around the child's body or an appropriately fitting booster
28 seat~~((; and~~

29 ~~(f) Enforcement of (a) through (e) of this subsection is subject to~~
30 ~~a visual inspection by law enforcement to determine if the child~~
31 ~~restraint system in use is appropriate for the child's individual~~
32 ~~height, weight, and age. The visual inspection for usage of a forward~~
33 ~~facing child safety seat must ensure that the seat in use is equipped~~
34 ~~with a four point shoulder harness system. The visual inspection for~~
35 ~~usage of a booster seat must ensure that the seat belt properly fits~~
36 ~~across the child's lap and the shoulder strap crosses the center of the~~
37 ~~child's chest. The visual inspection for the usage of a seat belt by~~
38 ~~a child must ensure that the lap belt properly fits across the child's~~
39 ~~lap and the shoulder strap crosses the center of the child's chest. In~~

1 determining violations, consideration to the above criteria must be
2 given in conjunction with the provisions of (a) through (e) of this
3 subsection)).

4 (3) The driver of a vehicle transporting a child who is under the
5 age of (~~six~~) eight years old or weighs less than (~~sixty~~) eighty
6 pounds, when the vehicle is equipped with a passenger side air bag
7 supplemental restraint system, and the air bag system is activated,
8 shall transport the child in the back seat positions in the vehicle
9 where it is practical to do so.

10 (~~(2)~~) (4) A person violating subsection (~~(1)(a) through (e)~~)
11 (2) of this section may be issued a notice of traffic infraction under
12 chapter 46.63 RCW. If the person to whom the notice was issued
13 presents proof of acquisition of an approved child passenger restraint
14 system or a child booster seat, as appropriate, within seven days to
15 the jurisdiction issuing the notice and the person has not previously
16 had a violation of this section dismissed, the jurisdiction shall
17 dismiss the notice of traffic infraction.

18 (~~(3)~~) (5) Failure to comply with the requirements of this section
19 shall not constitute negligence by a parent or legal guardian; nor
20 shall failure to use a child restraint system be admissible as evidence
21 of negligence in any civil action.

22 (~~(4)~~) (6) This section does not apply to: (a) For hire vehicles,
23 (b) vehicles designed to transport sixteen or less passengers,
24 including the driver, operated by auto transportation companies, as
25 defined in RCW 81.68.010, (c) vehicles providing customer shuttle
26 service between parking, convention, and hotel facilities, and airport
27 terminals, and (d) school buses.

28 (~~(5)~~) (7) As used in this section "child booster seat" means a
29 child passenger restraint system that meets the Federal Motor Vehicle
30 Safety Standards set forth in 49 C.F.R. 571.213 that is designed to
31 elevate a child to properly sit in a federally approved lap/shoulder
32 belt system.

33 (~~(6)~~) (8) The requirements of subsection (~~(1)(a) through (e)~~)
34 (2) of this section do not apply in any seating position where there is
35 only a lap belt available and the child weighs more than forty pounds.

36 (9) A person, including but not limited to a volunteer provider of
37 services, who without compensation, renders inspection, adjustment, or
38 educational services regarding child passenger restraint systems is not
39 liable for civil damages from any act or omission in rendering the

1 services, other than acts or omissions constituting gross negligence or
2 willful or wanton misconduct.

3 NEW SECTION. **Sec. 2.** This act takes effect July 1, 2002.

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