
SECOND 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 pounds))~~ and less than four feet nine inches in height and the
8 passenger seating position equipped with a safety belt system allows
9 sufficient space for installation, then the child will be restrained in
10 a child restraint system that complies with standards of the United
11 States department of transportation and that is secured in the vehicle
12 in accordance with instructions of the manufacturer of the child
13 restraint system;

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

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

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

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

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

1 lap and the shoulder strap crosses the center of the child's chest. In
2 determining violations, consideration to the above criteria must be
3 given in conjunction with the provisions of (a) through (e) of this
4 subsection)).

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

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

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

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

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

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

37 (9) A person, including but not limited to a volunteer provider of
38 services, who without compensation, renders inspection, adjustment, or
39 educational services regarding child passenger restraint systems is not

1 liable for civil damages from any act or omission in rendering the
2 services, other than acts or omissions constituting gross negligence or
3 willful or wanton misconduct.

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

--- END ---