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SENATE BILL 5782

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State of Washington                      57th Legislature                      2001 Regular Session

By Senator Haugen; by request of Washington Traffic Safety Commission

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

1            AN ACT Relating to enforcement of safety belt laws; amending RCW  
2 46.61.688 and 46.61.688; providing an effective date; and providing an  
3 expiration date.

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

5            **Sec. 1.** RCW 46.61.688 and 1990 c 250 s 58 are each amended to read  
6 as follows:

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

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

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

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

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

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

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

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

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

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

22 ~~(7) ((Enforcement of this section by law enforcement officers may  
23 be accomplished only as a secondary action when a driver of a motor  
24 vehicle has been detained for a suspected violation of Title 46 RCW or  
25 an equivalent local ordinance or some 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 **Sec. 2.** RCW 46.61.688 and 2000 c 190 s 3 are each amended to read  
35 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

5       ~~((9))~~) (8) The state patrol may adopt rules exempting operators or  
6 occupants of farm vehicles, construction equipment, and vehicles that  
7 are required to make frequent stops from the requirement of wearing  
8 safety belts.

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

10       NEW SECTION.   **Sec. 4.** Section 2 of this act takes effect July 1,  
11 2002.

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