

ESSB 5728 - S AMD 618
By Senator Kline

1 Beginning on page 18, line 25, strike all of section 601 and insert
2 the following:

3 "Sec. 601. RCW 46.61.688 and 2003 c 353 s 4 are each amended to
4 read as follows:

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

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

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

13 (c) "Neighborhood electric vehicle," meaning a self-propelled,
14 electrically powered four-wheeled motor vehicle whose speed attainable
15 in one mile is more than twenty miles per hour and not more than
16 twenty-five miles per hour and conforms to federal regulations under
17 Title 49 C.F.R. Part 571.500;

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

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

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

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

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

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

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

14 (7) This section does not apply to an operator or passenger who
15 possesses written verification from a licensed physician that the
16 operator or passenger is unable to wear a safety belt for physical or
17 medical reasons.

18 (8) The state patrol may adopt rules exempting operators or
19 occupants of farm vehicles, construction equipment, and vehicles that
20 are required to make frequent stops from the requirement of wearing
21 safety belts."

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