

# HOUSE BILL REPORT

## HB 2511

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**As Passed House:**

February 13, 2004

**Title:** An act relating to clarifying motor vehicle safety belt requirements by replacing references to the federal code.

**Brief Description:** Clarifying seat belt requirements.

**Sponsors:** By Representatives Flannigan, Jarrett, Lovick, Schual-Berke and Moeller; by request of Washington Traffic Safety Commission.

**Brief History:**

**Committee Activity:**

Transportation: 1/28/04, 2/4/04 [DP].

**Floor Activity:**

Passed House: 2/13/04, 51-45.

**Brief Summary of Bill**

- Replaces reference to federal safety standard with vehicle model years to which the seat belt law applies.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass. Signed by 18 members: Representatives Murray, Chair; Rockefeller, Vice Chair; Simpson, G., Vice Chair; Jarrett, Assistant Ranking Minority Member; Clibborn, Cooper, Dickerson, Edwards, Flannigan, Hankins, Hudgins, Lovick, Rodne, Romero, Sullivan, Wallace, Wood and Woods.

**Minority Report:** Do not pass. Signed by 9 members: Representatives Armstrong, Bailey, Campbell, Hatfield, Kristiansen, Mielke, Nixon, Schindler and Shabro.

**Staff:** Page Scott (786-7301).

**Background:**

Courts in Washington have found the state's safety belt law unconstitutional because it refers to the Federal Motor Vehicle Safety Standard (FMVSS) 208. These courts have

found FMVSS 208 too difficult for the average person to locate and understand. The court findings arose from felony prosecutions that began with someone being stopped for failing to wear a safety belt under Washington's primary seat belt law (RCW 46.61.688). The issue is on appeal to the state Supreme Court, but will not be heard until after the 2004 legislative session.

The FMVSS 208 applies to passenger cars, multipurpose passenger vehicles, trucks and buses. The federal standard sets forth required seat belt and other crash protection equipment by model years and types of vehicles.

Vehicles of model year 1973 and newer account for approximately 97 percent of registered vehicles in Washington. Approximately 3 percent of vehicles registered in Washington are older than model year 1973.

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**Summary of Bill:**

This bill removes reference to FMVSS 208 in RCW 46.61.688(2). Instead, the bill specifies that the section only applies to:

- a) 1973 model year and newer passenger cars, multipurpose passenger vehicles, trucks and the driver's seat of buses; and
- b) neighborhood electric vehicles of any model year.

The section does not apply to vehicle occupants who are unable to use a safety belt because all available safety belts are used by other occupants.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** The bill is necessary because there are concerns that if the state Supreme Court upholds the lower courts' decisions that the reference to the federal standards is unconstitutional, then we will no longer have any seat belt law. The Legislature corrected a similar reference to federal standards in the motorcycle helmet law after that reference was found to be unconstitutional. Setting a 1973 model year for vehicles required to be equipped with safety belts simplifies the law and encompasses the majority of vehicles that are covered under the federal standards. Seat belts save lives and prevent disabling injuries. Washington has a 95 percent seat belt compliance rate.

**Testimony Against:** None.

**Persons Testifying:** Representative Flannigan, prime sponsor; Chief Lowell Porter, Washington State Patrol; Tony Gomez, Seattle and King County Public Health and King County Traffic Safety Coalition; Steve Lind, Washington Traffic Safety Commission; and Mary Selecky, Department of Health.

**Persons Signed In To Testify But Not Testifying:** None.