

SENATE BILL REPORT

HB 2511

As Reported By Senate Committee On:
Highways & Transportation, March 1, 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: Representatives Flannigan, Jarrett, Lovick, Schual-Berke and Moeller; by request of Washington Traffic Safety Commission.

Brief History:

Committee Activity: Highways & Transportation: 2/25/04, 3/1/04 [DP, DNP].

SENATE COMMITTEE ON HIGHWAYS & TRANSPORTATION

Majority Report: Do pass.

Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Kastama, Oke, Poulsen and Spanel.

Minority Report: Do not pass.
Signed by Senator Mulliken.

Staff: Kelly Simpson (786-7403)

Background: Under current law, generally every person 16 years of age or older operating or riding in a motor vehicle must wear the vehicle's seat belt assembly. This requirement only applies to motor vehicles that meet the federal seat belt safety standards set forth in Federal Motor Vehicle Safety Standard 208 (FMVSS 208). FMVSS 208, adopted by the U.S. Department of Transportation, establishes the seat belt criteria for newly manufactured vehicles.

Several courts in Washington, most notably the Skagit County Superior Court, have recently ruled that the reference to FMVSS 208 in the seat belt-use law is unconstitutionally vague.

Summary of Bill: The reference to FMVSS 208 in the seat belt-use law is removed and replaced with a reference to certain motor vehicles of a model year of 1973 or newer.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: This bill is needed to clarify a provision in the seat belt-use law that some courts have found to be unconstitutionally vague. This does not address primary versus secondary enforcement; rather, without the clarification, Washington would have no seat

belt-use law on the books at all. The recent legal challenges to this provision are made by bad actors who are attempting to avoid accountability for other criminal behavior. It is important to ensure that the mandatory seat belt-use law remains in effect as it saves lives, prevents disabilities caused by traffic accidents, and saves money through reduced hospital and health care costs. The Washington State Patrol has made seat belt enforcement a priority. Some studies indicate that when adult drivers fail to wear seat belts, their child passengers are at increased risk because they often fail to be buckled up too.

Testimony Against: The bill is without merit. Adults in this country should have the right to choose whether to wear a seat belt. Some studies indicate that there is no value in having mandatory seat belt-use laws. For example, studies indicate that New Hampshire, which has no mandatory seat belt-use law, has reduced its traffic fatality rates. In fact, according to some studies, seat belt-use laws have slowed reductions in traffic fatalities.

Testified: Representative Flannigan, prime sponsor; Steve Lind, WA Traffic Safety Commission (pro); Mary Selecky, Secretary of Health (pro); Lowell Porter, WA State Patrol Chief (pro); Dave Overstreet, AAA (pro); Susie Tracy, WA State Medical Assoc. (pro); Doug Levy, City of Kent (pro); Dan Goebel, WA Seat Belt Coalition (con).