

SENATE BILL REPORT

SB 6172

As Reported By Senate Committee On:
Judiciary, February 4, 2004

Title: An act relating to child passenger restraint system liability.

Brief Description: Holding child car seat installers harmless for damages.

Sponsors: Senators Haugen, Kline, McCaslin, Oke and Rasmussen.

Brief History:

Committee Activity: Judiciary: 1/30/04, 2/4/04 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6172 be substituted therefor, and the substitute bill do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Kline and Roach.

Staff: Jinnah Rose-McFadden (786-7421)

Background: Nationwide, up to 721 children are injured each day in automobile accidents. It is the leading cause of death for children between the ages of two and 14, and children are at a much greater risk for death or injury when they ride in an automobile unrestrained or in the wrong type of restraint. According to the National Highway Traffic Safety Administration, the correct use of child safety seats reduces fatal injuries by up to 70 percent for infants and 54 percent for toddlers.

The National Highway Traffic Safety Administration and the program SAFE KIDS, train people to become certified inspectors and installers of child safety seats, including child restraint systems and booster seats. Certified inspectors and installers work in the community teaching parents and care-givers how to correctly install child safety seats. To assist in this endeavor, child safety seat inspection stations are opening around the country. In Washington State, there are over 200 child safety seat inspection stations.

Currently, there is nothing in Washington statute that provides inspectors and installers of child safety seats immunity from civil liability.

Summary of Substitute Bill: Certified technicians and technician instructors who, in good faith, install and inspect children's seats may not be held civilly liable for an act or omission related to their installation or inspection, unless the act or omission constitutes gross negligence or willful misconduct.

Substitute Bill Compared to Original Bill: The substitute amends language in the bill to reflect training terminology used by the Department of Transportation.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Studies show that it is more dangerous to improperly fasten a child into a car seat than to not have a child in a car seat at all. It is important, then, to encourage the use of proper installation techniques. This bill is patterned after a Virginia State statute.

Testimony Against: None.

Testified: PRO: Senator Mary Margaret Haugen, prime sponsor.