
HOUSE BILL 2990

State of Washington

58th Legislature

2004 Regular Session

By Representatives Newhouse, Carrell, McMahan, Schindler, Holmquist, Kristiansen, Roach, Cairnes, Condotta and Nixon

Read first time 01/26/2004. Referred to Committee on Judiciary.

1 AN ACT Relating to civil liability reform; and amending RCW
2 46.61.688.

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

4 **Sec. 1.** RCW 46.61.688 and 2003 c 353 s 4 are each amended to read
5 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

32 (8) The state patrol may adopt rules exempting operators or
33 occupants of farm vehicles, construction equipment, and vehicles that
34 are required to make frequent stops from the requirement of wearing
35 safety belts.

36 NEW SECTION. **Sec. 2.** If any provision of this act or its

1 application to any person or circumstance is held invalid, the
2 remainder of the act or the application of the provision to other
3 persons or circumstances is not affected.

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