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SENATE BILL 6590

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State of Washington

58th Legislature

2004 Regular Session

By Senators McAuliffe, B. Sheldon, Prentice, Kline, Fairley, Brown, Poulsen, Eide, Shin, Franklin, Berkey, Thibaudeau, Fraser, Kohl-Welles, Spanel and Rasmussen

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

1 AN ACT Relating to safety belts on school buses; amending RCW  
2 46.04.521, 46.37.510, and 46.61.688; creating a new section; and making  
3 an appropriation.

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

5 NEW SECTION. **Sec. 1.** The Washington state legislature finds that  
6 the safety of children is paramount and that safety belts on school  
7 buses save lives. Therefore, safety belts for use by every child  
8 riding a school bus must be provided.

9 **Sec. 2.** RCW 46.04.521 and 1995 c 141 s 1 are each amended to read  
10 as follows:

11 School bus means every motor vehicle used regularly to transport  
12 children to and from school or in connection with school activities,  
13 which is subject to the requirements set forth in the most recent  
14 edition of "Specifications for School Buses" published by the state  
15 superintendent of public instruction, but does not include buses  
16 operated by common carriers in urban transportation of school children  
17 (~~or private carrier buses operated as school buses in the~~

1 ~~transportation of children to and from private schools or school~~  
2 ~~activities)).~~

3 **Sec. 3.** RCW 46.37.510 and 1987 c 330 s 729 are each amended to  
4 read as follows:

5 (1) No person may sell any automobile manufactured or assembled  
6 after January 1, 1964, nor may any owner cause such vehicle to be  
7 registered thereafter under the provisions of chapter 46.12 RCW unless  
8 such motor car or automobile is equipped with automobile seat belts  
9 installed for use on the front seats thereof which are of a type and  
10 installed in a manner conforming to rules adopted by the state patrol.  
11 Where registration is for transfer from an out-of-state license, the  
12 applicant shall be informed of this section by the issuing agent and  
13 has thirty days to comply. The state patrol shall adopt and enforce  
14 standards as to what constitutes adequate and safe seat belts and for  
15 the fastening and installation of them. Such standards shall not be  
16 below those specified as minimum requirements by the Society of  
17 Automotive Engineers on June 13, 1963.

18 (2) Every passenger car manufactured or assembled after January 1,  
19 1965, shall be equipped with at least two lap-type safety belt  
20 assemblies for use in the front seating positions.

21 (3) Every passenger car manufactured or assembled after January 1,  
22 1968, shall be equipped with a lap-type safety belt assembly for each  
23 permanent passenger seating position. This requirement shall not apply  
24 to police vehicles.

25 (4) Every passenger car manufactured or assembled after January 1,  
26 1968, shall be equipped with at least two shoulder harness-type safety  
27 belt assemblies for use in the front seating positions.

28 (5) The state patrol shall excuse specified types of motor vehicles  
29 or seating positions within any motor vehicle from the requirements  
30 imposed by subsections (1), (2), and (3) of this section when  
31 compliance would be impractical.

32 (6) Every school bus must provide safety belts for use by each  
33 person riding the bus. The safety belts must be of a design to provide  
34 a lap belt for pelvic restraint and a shoulder belt to restrain upper  
35 torso movement. The safety belts are required in all school buses  
36 purchased on or after June 30, 2004, and must be retrofitted to all  
37 school buses by June 30, 2010.

1       (7) No person may distribute, have for sale, offer for sale, or  
2 sell any safety belt or shoulder harness for use in motor vehicles  
3 unless it meets current minimum standards and specifications conforming  
4 to rules adopted by the state patrol or the United States department of  
5 transportation.

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

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

10       (a) "Buses," meaning motor vehicles with motive power, except  
11 trailers, designed to carry more than ten passengers, and includes  
12 school buses;

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

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

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

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

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

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

36       (4) No person may operate a motor vehicle unless all child

1 passengers under the age of sixteen years are either: (a) Wearing a  
2 safety belt assembly or (b) are securely fastened into an approved  
3 child restraint device.

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

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

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

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

20 NEW SECTION. **Sec. 5.** The sum of five hundred thousand dollars, or  
21 as much thereof as may be necessary, is appropriated for the biennium  
22 ending June 30, 2005, from the highway safety fund to the  
23 superintendent of public instruction to carry out the purposes of this  
24 act.

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