

SHB 2110 - H AMD 210

By Representative Hankins

1 On page 2, after line 13, insert the following:

2 "(4) If any accident reports, information, or statistical analyses  
3 obtained under subsection (3) of this section are introduced as  
4 evidence by plaintiffs in a civil action, a person's failure to comply  
5 with the duty to wear a safety belt assembly is also admissible as  
6 evidence of negligence in the same civil action."

7 On page 3, after line 5, insert the following:

8 **"Sec. 4.** RCW 46.61.688 and 2003 c 353 s 4 are each amended to read  
9 as follows:

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

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

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

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

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

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

28 (2) This section only applies to motor vehicles that meet the  
29 manual seat belt safety standards as set forth in federal motor vehicle

1 safety standard 208 and to neighborhood electric vehicles. This  
2 section does not apply to a vehicle occupant for whom no safety belt is  
3 available when all designated seating positions as required by federal  
4 motor vehicle safety standard 208 are occupied.

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

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

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

17 (6) Failure to comply with the requirements of this section does  
18 not constitute negligence, nor may failure to wear a safety belt  
19 assembly be admissible as evidence of negligence in any civil action  
20 except as provided in RCW 46.52.060(4).

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

25 (8) The state patrol may adopt rules exempting operators or  
26 occupants of farm vehicles, construction equipment, and vehicles that  
27 are required to make frequent stops from the requirement of wearing  
28 safety belts."

29 Correct the title.

EFFECT: In any action where plaintiffs use any accident reports,  
information, or statistical analyses as evidence in a civil action, a  
person's failure to wear a seat belt may also be used as evidence of  
negligence.

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