

SHB 2110 - H AMD 662
By Representative Hankins

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 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.