

SSB 5085 - H COMM AMD
By Committee on Judiciary

ADOPTED 04/13/2005

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 46.61.687 and 2003 c 353 s 5 are each amended to read
4 as follows:

5 (1) Whenever a child who is less than sixteen years of age is being
6 transported in a motor vehicle that is in operation and that is
7 required by RCW 46.37.510 to be equipped with a safety belt system in
8 a passenger seating position, or is being transported in a neighborhood
9 electric vehicle that is in operation, the driver of the vehicle shall
10 keep the child properly restrained as follows:

11 (a) If the child is less than six years old (~~and/or~~) or sixty
12 pounds and the passenger seating position equipped with a safety belt
13 system allows sufficient space for installation, then the child
14 (~~will~~) must be restrained in a child restraint system that complies
15 with standards of the United States department of transportation and
16 that is secured in the vehicle in accordance with instructions of the
17 manufacturer of the child restraint system;

18 (b) If the child is less than one year of age or weighs less than
19 twenty pounds, the child shall be properly restrained in a rear-facing
20 infant seat;

21 (c) If the child is more than one but less than four years of age
22 or weighs less than forty pounds but at least twenty pounds, the child
23 shall be properly restrained in a forward facing child safety seat
24 restraint system;

25 (d) If the child is less than six but at least four years of age or
26 weighs less than sixty pounds but at least forty pounds, the child
27 shall be properly restrained in a child booster seat;

28 (e) If the child is six years of age or older or weighs more than
29 sixty pounds, the child shall be properly restrained with the motor

1 vehicle's safety belt properly adjusted and fastened around the child's
2 body or an appropriately fitting booster seat; and

3 (f) Enforcement of (a) through (e) of this subsection is subject to
4 a visual inspection by law enforcement to determine if the child
5 restraint system in use is appropriate for the child's individual
6 height, weight, and age. The visual inspection for usage of a forward
7 facing child safety seat must ensure that the seat in use is equipped
8 with a four-point shoulder harness system. The visual inspection for
9 usage of a booster seat must ensure that the seat belt properly fits
10 across the child's lap and the shoulder strap crosses the center of the
11 child's chest. The visual inspection for the usage of a seat belt by
12 a child must ensure that the lap belt properly fits across the child's
13 lap and the shoulder strap crosses the center of the child's chest. In
14 determining violations, consideration to the above criteria must be
15 given in conjunction with the provisions of (a) through (e) of this
16 subsection. The driver of a vehicle transporting a child who is under
17 the age of six years old or weighs less than sixty pounds, when the
18 vehicle is equipped with a passenger side air bag supplemental
19 restraint system, and the air bag system is activated, shall transport
20 the child in the back seat positions in the vehicle where it is
21 practical to do so.

22 (2) A person violating subsection (1)(a) through (e) of this
23 section may be issued a notice of traffic infraction under chapter
24 46.63 RCW. If the person to whom the notice was issued presents proof
25 of acquisition of an approved child passenger restraint system or a
26 child booster seat, as appropriate, within seven days to the
27 jurisdiction issuing the notice and the person has not previously had
28 a violation of this section dismissed, the jurisdiction shall dismiss
29 the notice of traffic infraction.

30 (3) Failure to comply with the requirements of this section shall
31 not constitute negligence by a parent or legal guardian; nor shall
32 failure to use a child restraint system be admissible as evidence of
33 negligence in any civil action.

34 (4) This section does not apply to: (a) For hire vehicles, (b)
35 vehicles designed to transport sixteen or less passengers, including
36 the driver, operated by auto transportation companies, as defined in
37 RCW 81.68.010, (c) vehicles providing customer shuttle service between

1 parking, convention, and hotel facilities, and airport terminals, and
2 (d) school buses.

3 (5) As used in this section "child booster seat" means a child
4 passenger restraint system that meets the Federal Motor Vehicle Safety
5 Standards set forth in 49 C.F.R. 571.213 that is designed to elevate a
6 child to properly sit in a federally approved lap/shoulder belt system.

7 (6) The requirements of subsection (1)(a) through (e) of this
8 section do not apply in any seating position where there is only a lap
9 belt available and the child weighs more than forty pounds.

10 (7)(a) Except as provided in (b) of this subsection, a person who
11 has a current national certification as a child passenger safety
12 technician and who in good faith provides inspection, adjustment, or
13 educational services regarding child passenger restraint systems is not
14 liable for civil damages resulting from any act or omission in
15 providing the services, other than acts or omissions constituting gross
16 negligence or willful or wanton misconduct.

17 (b) The immunity provided in this subsection does not apply to a
18 certified child passenger safety technician who is employed by a
19 retailer of child passenger restraint systems and who, during his or
20 her hours of employment and while being compensated, provides
21 inspection, adjustment, or educational services regarding child
22 passenger restraint systems."

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