

# FINAL BILL REPORT

## ESHB 1475

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Synopsis as Enacted

**Brief Description:** Modifying child passenger restraint provisions.

**Sponsors:** By House Committee on Transportation (originally sponsored by Representatives Schual-Berke, Jarrett, Murray, Kessler, Wood, Skinner, Hankins, Woods, Dunshee, Wallace, Dickerson, Upthegrove, Curtis, Lovick and Morrell).

**House Committee on Transportation**  
**Senate Committee on Transportation**

### **Background:**

Under Washington law, children less than six years old and/or 60 pounds traveling in a motor vehicle must be placed in a child restraint system that complies with federal standards and is installed according to the manufacturers' instructions. The laws specify the requirements for the type of child restraint system that must be used for a child according to age and weight.

Drivers transporting a child under six years of age or weighing less than 60 pounds must transport the child in the back seat if the vehicle is equipped with a passenger side air bag.

Failure to comply with the child passenger restraint requirements does not constitute negligence by a parent or legal guardian and may not be admitted in court as evidence of negligence. The law is silent regarding immunity from civil liability for installers or inspectors of child restraint systems.

Since the child restraint system law was last amended in 2000, the National Highway Traffic Safety Administration has revised recommendations for how old and how tall a child should be before being placed in a seatbelt without a child restraint system. In addition, child restraint system technology and products have changed.

### **Summary:**

The limit for determining when a child no longer has to be placed in a child restraint system is changed from six years old and/or 60 pounds to eight years old or 80 pounds, unless the child is at least 4 feet 9 inches tall. The specific requirements for the type of child restraint system that a child needs to be in according to age and weight are deleted. These are replaced with a requirement that a child must be in a restraint system used and installed according to the auto and child restraint manufacturers' directions.

A requirement is added that a child under 13 must be in the back seat of a car when practical.

A person who provides inspection or education on proper child restraint use is not liable for civil damages resulting from providing the services, as long as the person is a currently

certified child passenger safety technician and there is no gross negligence or willful misconduct.

**Votes on Final Passage:**

House	72	26
Senate	32	15

**Effective:** July 24, 2005  
June 1, 2007 (Section 1)