

SENATE BILL REPORT

SB 5085

As Reported By Senate Committee On:
Transportation, January 26, 2005

Title: An act relating to child passenger restraint systems.

Brief Description: Holding child car seat installers harmless for damages.

Sponsors: Senators Weinstein, Haugen, Jacobsen and Kline.

Brief History:

Committee Activity: Transportation: 1/18/05, 1/26/05 [DPS], [w/oRec].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5085 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Eide, Esser, Oke, Swecker and Weinstein.

Minority Report: Without Recommendation.

Signed by Senators Benson and Mulliken.

Staff: Kelly Simpson (786-7403)

Background: Under current law, with few exceptions, children less than six years old and/or sixty pounds, while traveling in motor vehicles, must be restrained in child restraint systems that comply with federal standards and are installed per manufacturer instructions.

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. However, current law is silent regarding immunity from civil liability for installers or inspectors of child restraint systems or booster seats.

Summary of Substitute Bill: Nationally certified child passenger safety technicians who, in good faith and not for compensation, provide inspection, adjustment, or educational services regarding child passenger restraint systems may not be held civilly liable for an act or omission related to the services, unless the act or omission constitutes gross negligence or willful or wanton misconduct.

Substitute Bill Compared to Original Bill: (1) Expands the class of certified technicians to include any nationally certified person, not just those certified through the USDOT; (2) requires the certified technician to be a volunteer; and (3) provides liability protection for certified technicians who also provide educational services regarding child passenger restraint systems.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Car seats and booster seats are often not properly installed. This bill, by providing a liability safety net, would encourage trained and knowledgeable individuals, many of whom are volunteers, to provide proper installations of car seats and booster seats.

Testimony Against: None.

Who Testified: PRO: Senator Weinstein, sponsor; Janet Ray, AAA Washington; Steve Lind, WA Traffic Safety Commission; Kathryn Kruger, Safety Restraint Coalition.