

# SENATE BILL REPORT

## SB 6563

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As Reported By Senate Committee On:  
Transportation, February 6, 2006

**Title:** An act relating to admissibility in a civil action of failing to wear safety belt assemblies and failing to use child restraint systems.

**Brief Description:** Revising admissibility in a civil action of failing to wear safety belt assemblies and failing to use child restraint systems.

**Sponsors:** Senators Haugen, Brandland and Oke.

**Brief History:**

**Committee Activity:** Transportation: 2/1/06, 2/6/06 [DP, DNP, w/oRec].

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass.

Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Ranking Minority Member; Berkey, Eide, Esser, Kastama, Oke, Sheldon, Spanel and Swecker.

**Minority Report:** Do not pass.

Signed by Senator Weinstein.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Benton and Mulliken.

**Staff:** Kelly Simpson (786-7403)

**Background:** Under current law and with few exceptions, every person 16 years and older operating or riding in a motor vehicle must wear the safety belt assembly in a properly adjusted and securely fastened manner. Additionally, no person may operate a motor vehicle unless all child passengers under the age of 16 are either wearing a safety belt assembly or are securely fastened into an approved child restraint device.

Failure to comply with the safety belt assembly and child restraint device requirements does not constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action.

**Summary of Bill:** Failure to comply with the safety belt assembly and child restraint system requirements may be admissible in any civil action.

**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:** The state has worked hard over recent years to reduce its share of liability with respect to traffic accidents on public highways. The current law has a disconnect between the policy of requiring seat belt use, but then not allowing the failure to wear a belt in as evidence in a civil claim. This bill would encourage drivers and passengers to wear seat belts.

**Testimony Against:** None.

**Who Testified:** PRO: Doug MacDonald, Secretary of Transportation; Gerrit Ayers, WA Defense Trial Lawyers; Dale Rancour, WA State Assoc. of County Engineers.