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ENGROSSED SUBSTITUTE HOUSE BILL 1475

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State of Washington

59th Legislature

2005 Regular Session

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)

READ FIRST TIME 02/15/05.

1 AN ACT Relating to child passenger restraint; amending RCW  
2 46.61.687; adding a new section to chapter 46.61 RCW; and providing an  
3 effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 46.61.687 and 2003 c 353 s 5 are each amended to read  
6 as follows:

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

13 (a) A child must be restrained in a child restraint system, if  
14 ~~((the child is less than six years old and/or sixty pounds and))~~ the  
15 passenger seating position equipped with a safety belt system allows  
16 sufficient space for installation, ~~((then the child will be restrained~~  
17 ~~in a))~~ until the child is eight years old, unless the child is four  
18 feet nine inches or taller. The child restraint system ~~((that~~  
19 ~~complies))~~ must comply with standards of the United States department

1 of transportation and ~~((that is))~~ must be secured in the vehicle in  
2 accordance with instructions of the ~~((manufacturer of))~~ vehicle  
3 manufacturer and the child restraint system(;

4 ~~(b) If the child is less than one year of age or weighs less than~~  
5 ~~twenty pounds, the child shall be properly restrained in a rear facing~~  
6 ~~infant seat;~~

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

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

14 ~~(e) If the~~) manufacturer.

15 (b) A child who is ~~((six))~~ eight years of age or older ~~((or weighs~~  
16 ~~more than sixty pounds, the child))~~ or four feet nine inches or taller  
17 shall be properly restrained with the motor vehicle's safety belt  
18 properly adjusted and fastened around the child's body or an  
19 appropriately fitting ~~((booster seat; and))~~ child restraint system.

20 (c) The driver of a vehicle transporting a child who is under  
21 thirteen years old shall transport the child in the back seat positions  
22 in the vehicle where it is practical to do so.

23 ~~((f))~~ (2) Enforcement of ~~((a) through (e) of this))~~ subsection  
24 (1) of this section is subject to a visual inspection by law  
25 enforcement to determine if the child restraint system in use is  
26 appropriate for the child's individual height, weight, and age. The  
27 visual inspection for usage of a ~~((forward facing child safety seat))~~  
28 child restraint system must ensure that ~~((the seat in use is equipped~~  
29 ~~with a four point shoulder harness system. The visual inspection for~~  
30 ~~usage of a booster seat must ensure that the seat belt properly fits~~  
31 ~~across the child's lap and the shoulder strap crosses the center of the~~  
32 ~~child's chest. The visual inspection for the usage of a seat belt by~~  
33 ~~a child must ensure that the lap belt properly fits across the child's~~  
34 ~~lap and the shoulder strap crosses the center of the child's chest. In~~  
35 ~~determining violations, consideration to the above criteria must be~~  
36 ~~given in conjunction with the provisions of (a) through (e) of this~~  
37 ~~subsection))~~ the child restraint system is being used in accordance  
38 with the instruction of the vehicle and the child restraint system

1 manufacturers. The driver of a vehicle transporting a child who is  
2 under ~~((the age of six))~~ thirteen years old ~~((or weighs less than sixty~~  
3 ~~pounds, when the vehicle is equipped with a passenger side air bag~~  
4 ~~supplemental restraint system, and the air bag system is activated,))~~  
5 shall transport the child in the back seat positions in the vehicle  
6 where it is practical to do so.

7 ~~((+2))~~ (3) A person violating subsection (1)~~((a) through (e))~~ of  
8 this section may be issued a notice of traffic infraction under chapter  
9 46.63 RCW. If the person to whom the notice was issued presents proof  
10 of acquisition of an approved child passenger restraint system or a  
11 child booster seat, as appropriate, within seven days to the  
12 jurisdiction issuing the notice and the person has not previously had  
13 a violation of this section dismissed, the jurisdiction shall dismiss  
14 the notice of traffic infraction.

15 ~~((+3))~~ (4) Failure to comply with the requirements of this section  
16 shall not constitute negligence by a parent or legal guardian~~((; nor~~  
17 ~~shall))~~. Failure to use a child restraint system shall not be  
18 admissible as evidence of negligence in any civil action.

19 ~~((+4))~~ (5) This section does not apply to: (a) For hire vehicles,  
20 (b) vehicles designed to transport sixteen or less passengers,  
21 including the driver, operated by auto transportation companies, as  
22 defined in RCW 81.68.010, (c) vehicles providing customer shuttle  
23 service between parking, convention, and hotel facilities, and airport  
24 terminals, and (d) school buses.

25 ~~((+5))~~ (6) As used in this section, "child ~~((booster seat))~~  
26 restraint system" means a child passenger restraint system that meets  
27 the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R.  
28 571.213 ~~((that is designed to elevate a child to properly sit in a~~  
29 ~~federally approved lap/shoulder belt system))~~.

30 ~~((+6))~~ (7) The requirements of subsection (1)~~((a) through (e))~~  
31 of this section do not apply in any seating position where there is  
32 only a lap belt available and the child weighs more than forty pounds.

33 NEW SECTION. Sec. 2. A new section is added to chapter 46.61 RCW  
34 to read as follows:

35 A person who has a current national certification as a child  
36 passenger safety technician and who in good faith provides inspection,  
37 adjustment, or educational services regarding child passenger restraint

1 systems is not liable for civil damages resulting from any act or  
2 omission in providing the services, other than acts or omissions  
3 constituting gross negligence or willful or wanton misconduct.

4 NEW SECTION. **Sec. 3.** Section 1 of this act takes effect June 1,  
5 2007.

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