
HOUSE BILL 1475

State of Washington

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By Representatives Schual-Berke, Jarrett, Murray, Kessler, Wood, Skinner, Hankins, Woods, Dunshee, Wallace, Dickerson, Upthegrove, Curtis, Lovick and Morrell

Read first time 01/25/2005. Referred to Committee on Transportation.

1 AN ACT Relating to child passenger restraint; and amending RCW
2 46.61.687.

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

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

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

12 ~~(a)~~). If the child is less than (~~six~~) eight years old (~~and/or~~
13 ~~sixty~~) or weighs less than eighty pounds, unless the child is at least
14 4' 9" tall, and the passenger seating position equipped with a safety
15 belt system allows sufficient space for installation, then the child
16 will be restrained in a child restraint system that complies with
17 standards of the United States department of transportation and that is
18 secured in the vehicle in accordance with instructions of the vehicle

1 manufacturer and child restraint system manufacturer ~~((of the child~~
2 ~~restraint system;~~

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

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

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

13 ~~(e) If the child is six years of age or older or weighs more than~~
14 ~~sixty pounds, the child shall be properly restrained with the motor~~
15 ~~vehicle's safety belt properly adjusted and fastened around the child's~~
16 ~~body or an appropriately fitting booster seat; and)).~~

17 ~~((f))~~ (2) Enforcement of ~~((a) through (e) of this))~~ subsection
18 (1) of this section is subject to a visual inspection by law
19 enforcement to determine if the child restraint system in use is
20 appropriate for the child's individual height, weight, and age. The
21 visual inspection for usage of a ~~((forward facing child safety seat))~~
22 child restraint system must ensure that ~~((the seat in use is equipped~~
23 ~~with a four point shoulder harness system. The visual inspection for~~
24 ~~usage of a booster seat must ensure that the seat belt properly fits~~
25 ~~across the child's lap and the shoulder strap crosses the center of the~~
26 ~~child's chest. The visual inspection for the usage of a seat belt by~~
27 ~~a child must ensure that the lap belt properly fits across the child's~~
28 ~~lap and the shoulder strap crosses the center of the child's chest. In~~
29 ~~determining violations, consideration to the above criteria must be~~
30 ~~given in conjunction with the provisions of (a) through (e) of this~~
31 ~~subsection))~~ the child restraint system is being used in accordance
32 with the instruction of the vehicle and the child restraint system
33 manufacturers. The driver of a vehicle transporting a child who is
34 under ~~((the age of six))~~ thirteen years old ~~((or weighs less than sixty~~
35 ~~pounds, when the vehicle is equipped with a passenger side air bag~~
36 ~~supplemental restraint system, and the air bag system is activated,))~~
37 shall transport the child in the back seat positions in the vehicle
38 where it is practical to do so.

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

9 ~~((3))~~ (4) Failure to comply with the requirements of this section
10 shall not constitute negligence by a parent or legal guardian~~((; nor~~
11 ~~shall))~~. Failure to use a child restraint system shall not be
12 admissible as evidence of negligence in any civil action.

13 ~~((4))~~ (5) This section does not apply to: (a) For hire vehicles,
14 (b) vehicles designed to transport sixteen or less passengers,
15 including the driver, operated by auto transportation companies, as
16 defined in RCW 81.68.010, (c) vehicles providing customer shuttle
17 service between parking, convention, and hotel facilities, and airport
18 terminals, and (d) school buses.

19 ~~((5))~~ (6) As used in this section, "child ~~((booster seat))~~
20 restraint system" means a child passenger restraint system that meets
21 the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R.
22 571.213 ~~((that is designed to elevate a child to properly sit in a~~
23 ~~federally approved lap/shoulder belt system))~~.

24 ~~((6))~~ (7) The requirements of subsection (1)~~((a) through (e))~~
25 of this section do not apply in any seating position where there is
26 only a lap belt available and the child weighs more than forty pounds.

27 (8) A person who has a current national certification as a child
28 passenger safety technician and who in good faith and not for
29 compensation provides inspection, adjustment, or educational services
30 regarding child passenger restraint systems is not liable for civil
31 damages resulting from any act or omission in providing the services,
32 other than acts or omissions constituting gross negligence or willful
33 or wanton misconduct.

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