
SENATE BILL 5731

State of Washington

59th Legislature

2005 Regular Session

By Senators McAuliffe, Fairley and Rockefeller

Read first time 02/03/2005. Referred to Committee on Early Learning, K-12 & Higher Education.

1 AN ACT Relating to safety belts on school buses; amending RCW
2 46.04.521, 46.37.510, 46.61.440, and 46.61.688; creating a new section;
3 making an appropriation; providing an effective date; and declaring an
4 emergency.

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

6 NEW SECTION. **Sec. 1.** The Washington state legislature finds that
7 the safety of children is paramount and that safety belts on school
8 buses save lives. Therefore, safety belts for use by every child
9 riding a school bus must be provided.

10 **Sec. 2.** RCW 46.04.521 and 1995 c 141 s 1 are each amended to read
11 as follows:

12 School bus means every motor vehicle used regularly to transport
13 children to and from school or in connection with school activities,
14 which is subject to the requirements set forth in the most recent
15 edition of "Specifications for School Buses" published by the state
16 superintendent of public instruction, but does not include buses
17 operated by common carriers in urban transportation of school children

1 (~~or private carrier buses operated as school buses in the~~
2 ~~transportation of children to and from private schools or school~~
3 ~~activities~~)).

4 **Sec. 3.** RCW 46.37.510 and 1987 c 330 s 729 are each amended to
5 read as follows:

6 (1) No person may sell any automobile manufactured or assembled
7 after January 1, 1964, nor may any owner cause such vehicle to be
8 registered thereafter under the provisions of chapter 46.12 RCW unless
9 such motor car or automobile is equipped with automobile seat belts
10 installed for use on the front seats thereof which are of a type and
11 installed in a manner conforming to rules adopted by the state patrol.
12 Where registration is for transfer from an out-of-state license, the
13 applicant shall be informed of this section by the issuing agent and
14 has thirty days to comply. The state patrol shall adopt and enforce
15 standards as to what constitutes adequate and safe seat belts and for
16 the fastening and installation of them. Such standards shall not be
17 below those specified as minimum requirements by the Society of
18 Automotive Engineers on June 13, 1963.

19 (2) Every passenger car manufactured or assembled after January 1,
20 1965, shall be equipped with at least two lap-type safety belt
21 assemblies for use in the front seating positions.

22 (3) Every passenger car manufactured or assembled after January 1,
23 1968, shall be equipped with a lap-type safety belt assembly for each
24 permanent passenger seating position. This requirement shall not apply
25 to police vehicles.

26 (4) Every passenger car manufactured or assembled after January 1,
27 1968, shall be equipped with at least two shoulder harness-type safety
28 belt assemblies for use in the front seating positions.

29 (5) The state patrol shall excuse specified types of motor vehicles
30 or seating positions within any motor vehicle from the requirements
31 imposed by subsections (1), (2), and (3) of this section when
32 compliance would be impractical.

33 (6) Every school bus purchased after June 30, 2005, must provide
34 safety belts for use by each person riding the bus. The safety belts
35 must be of a design to provide a lap belt for pelvic restraint and a
36 shoulder belt to restrain upper torso movement.

1 (7) No person may distribute, have for sale, offer for sale, or
2 sell any safety belt or shoulder harness for use in motor vehicles
3 unless it meets current minimum standards and specifications conforming
4 to rules adopted by the state patrol or the United States department of
5 transportation.

6 **Sec. 4.** RCW 46.61.440 and 2003 c 192 s 1 are each amended to read
7 as follows:

8 (1) Subject to RCW 46.61.400(1), and except in those instances
9 where a lower maximum lawful speed is provided by this chapter or
10 otherwise, it shall be unlawful for the operator of any vehicle to
11 operate the same at a speed in excess of twenty miles per hour when
12 operating any vehicle upon a highway either inside or outside an
13 incorporated city or town when passing any marked school or playground
14 crosswalk when such marked crosswalk is fully posted with standard
15 school speed limit signs or standard playground speed limit signs. The
16 speed zone at the crosswalk shall extend three hundred feet in either
17 direction from the marked crosswalk.

18 (2) A county or incorporated city or town may create a school or
19 playground speed zone on a highway bordering a marked school or
20 playground, in which zone it is unlawful for a person to operate a
21 vehicle at a speed in excess of twenty miles per hour. The school or
22 playground speed zone may extend three hundred feet from the border of
23 the school or playground property; however, the speed zone may only
24 include area consistent with active school or playground use.

25 (3) A person found to have committed any infraction relating to
26 speed restrictions within a school or playground speed zone shall be
27 assessed a monetary penalty equal to (~~twice~~) three times the penalty
28 assessed under RCW 46.63.110. This penalty may not be waived, reduced,
29 or suspended.

30 (4) The speed limit established under this section applies between
31 six a.m. and six p.m., regardless of whether a standard school speed
32 limit sign or a standard playground speed limit sign requires children
33 to be present.

34 (5) The school zone safety account is created in the custody of the
35 state treasurer. (~~Fifty percent~~) One-third of the moneys collected
36 under subsection (3) of this section shall be deposited into the
37 account. Expenditures from the account may be used only by the

1 Washington traffic safety commission solely to fund projects in local
2 communities to improve school zone safety, pupil transportation safety,
3 and student safety in school bus loading and unloading areas. Only the
4 director of the traffic safety commission or the director's designee
5 may authorize expenditures from the account. The account is subject to
6 allotment procedures under chapter 43.88 RCW, but no appropriation is
7 required for expenditures until July 1, 1999, after which date moneys
8 in the account may be spent only after appropriation.

9 (6) The school bus safety enhancement account is created in the
10 state treasury. One-third of the moneys collected under subsection (3)
11 of this section must be deposited in the account. Moneys in the
12 account may be spent only after appropriation. Expenditures from the
13 account may be used only for the purposes of RCW 46.37.510(6) regarding
14 the requirement for seat belts in school buses.

15 **Sec. 5.** RCW 46.61.688 and 2003 c 353 s 4 are each amended to read
16 as follows:

17 (1) For the purposes of this section, the term "motor vehicle"
18 includes:

19 (a) "Buses," meaning motor vehicles with motive power, except
20 trailers, designed to carry more than ten passengers, and includes
21 school buses;

22 (b) "Multipurpose passenger vehicles," meaning motor vehicles with
23 motive power, except trailers, designed to carry ten persons or less
24 that are constructed either on a truck chassis or with special features
25 for occasional off-road operation;

26 (c) "Neighborhood electric vehicle," meaning a self-propelled,
27 electrically powered four-wheeled motor vehicle whose speed attainable
28 in one mile is more than twenty miles per hour and not more than
29 twenty-five miles per hour and conforms to federal regulations under
30 Title 49 C.F.R. Part 571.500;

31 (d) "Passenger cars," meaning motor vehicles with motive power,
32 except multipurpose passenger vehicles, motorcycles, or trailers,
33 designed for carrying ten passengers or less; and

34 (e) "Trucks," meaning motor vehicles with motive power, except
35 trailers, designed primarily for the transportation of property.

36 (2) This section only applies to motor vehicles that meet the
37 manual seat belt safety standards as set forth in federal motor vehicle

1 safety standard 208, to school buses, and to neighborhood electric
2 vehicles. This section does not apply to a vehicle occupant for whom
3 no safety belt is available when all designated seating positions as
4 required by federal motor vehicle safety standard 208 are occupied.

5 (3) Every person sixteen years of age or older operating or riding
6 in a motor vehicle shall wear the safety belt assembly in a properly
7 adjusted and securely fastened manner.

8 (4) No person may operate a motor vehicle unless all child
9 passengers under the age of sixteen years are either: (a) Wearing a
10 safety belt assembly or (b) are securely fastened into an approved
11 child restraint device.

12 (5) A person violating this section shall be issued a notice of
13 traffic infraction under chapter 46.63 RCW. A finding that a person
14 has committed a traffic infraction under this section shall be
15 contained in the driver's abstract but shall not be available to
16 insurance companies or employers.

17 (6) Failure to comply with the requirements of this section does
18 not constitute negligence, nor may failure to wear a safety belt
19 assembly be admissible as evidence of negligence in any civil action.

20 (7) This section does not apply to an operator or passenger who
21 possesses written verification from a licensed physician that the
22 operator or passenger is unable to wear a safety belt for physical or
23 medical reasons.

24 (8) The state patrol may adopt rules exempting operators or
25 occupants of farm vehicles, construction equipment, and vehicles that
26 are required to make frequent stops from the requirement of wearing
27 safety belts.

28 NEW SECTION. **Sec. 6.** The sum of five hundred thousand dollars, or
29 as much thereof as may be necessary, is appropriated for the biennium
30 ending June 30, 2007, from the highway safety fund to the
31 superintendent of public instruction to carry out the purposes of this
32 act.

33 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
34 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 July 1, 2005.

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