

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1012

66th Legislature
2019 Regular Session

Passed by the House February 7, 2019
Yeas 71 Nays 25

Speaker of the House of Representatives

Passed by the Senate April 12, 2019
Yeas 31 Nays 12

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1012** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1012

Passed Legislature - 2019 Regular Session

State of Washington 66th Legislature 2019 Regular Session

By House Transportation (originally sponsored by Representatives Bergquist, Barkis, Jenkins, Steele, Riccelli, Fey, Valdez, Fitzgibbon, Appleton, Robinson, Pollet, and Stanford)

READ FIRST TIME 01/28/19.

1 AN ACT Relating to the use of child passenger restraint systems;
2 amending RCW 46.61.687; adding a new section to chapter 43.59 RCW;
3 and providing an effective date.

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

5 **Sec. 1.** RCW 46.61.687 and 2007 c 510 s 4 are each amended to
6 read as follows:

7 (1) Whenever a child who is less than sixteen years of age is
8 being 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
11 neighborhood electric vehicle or medium-speed electric vehicle that
12 is in operation, the driver of the vehicle shall keep the child
13 properly restrained as follows:

14 (a) ~~((A child must be restrained in a child restraint system, if~~
15 ~~the passenger seating position equipped with a safety belt system~~
16 ~~allows sufficient space for installation, until the child is eight~~
17 ~~years old, unless the child is four feet nine inches or taller. The~~
18 ~~child restraint system must comply with standards of the United~~
19 ~~States department of transportation and must be secured in the~~
20 ~~vehicle in accordance with instructions of the vehicle manufacturer~~
21 ~~and the child restraint system manufacturer.~~

1 ~~(b) A child who is eight years of age or older or four feet nine~~
2 ~~inches or taller shall be properly restrained with the motor~~
3 ~~vehicle's safety belt properly adjusted and fastened around the~~
4 ~~child's body or an appropriately fitting child restraint system.~~

5 (e)) A child under the age of two years must be properly secured
6 in a child restraint system that is rear-facing until the child
7 reaches the weight or height limit of the child restraint system as
8 set by the manufacturer. A child may continue to be properly secured
9 in a child restraint system that is rear-facing until the child
10 reaches the weight or height limit of the child restraint system as
11 set by the manufacturer, as recommended by the American academy of
12 pediatrics.

13 (b) A child who is not properly secured in a rear-facing child
14 restraint system in accordance with (a) of this subsection and who is
15 under the age of four years must be properly secured in a child
16 restraint system that is forward-facing and has a harness until the
17 child reaches the weight or height limit of the child restraint
18 system as set by the manufacturer. A child may continue to be
19 properly secured in a child restraint system that is forward-facing
20 and has a harness until the child reaches the weight or height limit
21 of the child restraint system as set by the manufacturer, as
22 recommended by the American academy of pediatrics.

23 (c) A child who is not properly secured in a child restraint
24 system in accordance with (a) or (b) of this subsection and who is
25 under four feet nine inches tall must be properly secured in a child
26 booster seat. A child may continue to be properly secured in a child
27 booster seat until the vehicle lap and shoulder seat belts fit
28 properly, typically when the child is between the ages of eight and
29 twelve years of age, as recommended by the American academy of
30 pediatrics, or must be properly secured with the motor vehicle's
31 safety belt properly adjusted and fastened around the child's body.

32 (d) The child restraint system used must comply with standards of
33 the United States department of transportation and must be secured in
34 the vehicle in accordance with instructions of the vehicle
35 manufacturer and the child restraint system manufacturer.

36 (e) The child booster seat used must comply with standards of the
37 United States department of transportation and must be secured in the
38 vehicle in accordance with instructions of the vehicle manufacturer
39 and the child booster seat manufacturer to position a child to sit
40 properly in a federally approved safety seat belt system.

1 (f) The driver of a vehicle transporting a child who is under
2 thirteen years old shall transport the child in the back seat
3 positions in the vehicle where it is practical to do so.

4 (2) Enforcement of subsection (1) of this section is subject to a
5 visual inspection by law enforcement to determine if the child
6 restraint system in use is appropriate for the child's individual
7 height, weight, and age. The visual inspection for usage of a child
8 restraint system must ensure that the child restraint system is being
9 used in accordance with the instruction of the vehicle and the child
10 restraint system manufacturers. ~~((The driver of a vehicle
11 transporting a child who is under thirteen years old shall transport
12 the child in the back seat positions in the vehicle where it is
13 practical to do so.))~~

14 (3) A person violating subsection (1) of this section may be
15 issued a notice of traffic infraction under chapter 46.63 RCW. If the
16 person to whom the notice was issued presents proof of acquisition of
17 an approved child ~~((passenger))~~ restraint system or a child booster
18 seat, as appropriate, within seven days to the jurisdiction issuing
19 the notice and the person has not previously had a violation of this
20 section dismissed, the jurisdiction shall dismiss the notice of
21 traffic infraction.

22 (4) Failure to comply with the requirements of this section shall
23 not constitute negligence by a parent or legal guardian. Failure to
24 use a child restraint system shall not be admissible as evidence of
25 negligence in any civil action.

26 (5) This section does not apply to: (a) For hire vehicles, (b)
27 vehicles designed to transport sixteen or less passengers, including
28 the driver, operated by auto transportation companies, as defined in
29 RCW 81.68.010, (c) vehicles providing customer shuttle service
30 between parking, convention, and hotel facilities, and airport
31 terminals, and (d) school buses.

32 (6) As used in this section ~~((7))~~:

33 (a) "Child booster seat" is a type of child restraint system; a
34 backless child restraint system or a belt positioning system is a
35 child booster seat provided it meets the federal motor vehicle safety
36 standards set forth in 49 C.F.R. Sec. 571.213.

37 (b) "Child restraint system" means a child passenger restraint
38 system that meets the federal motor vehicle safety standards set
39 forth in 49 C.F.R. Sec. 571.213.

1 (7) The requirements of subsection (1)(c) of this section do not
2 apply in any seating position where there is only a lap belt
3 available (~~and the child weighs more than forty pounds~~).

4 (8)(a) Except as provided in (b) of this subsection, a person who
5 has a current national certification as a child passenger safety
6 technician and who in good faith provides inspection, adjustment, or
7 educational services regarding child (~~passenger~~) restraint systems
8 is not liable for civil damages resulting from any act or omission in
9 providing the services, other than acts or omissions constituting
10 gross negligence or willful or wanton misconduct.

11 (b) The immunity provided in this subsection does not apply to a
12 certified child passenger safety technician who is employed by a
13 retailer of child (~~passenger~~) restraint systems and who, during his
14 or her hours of employment and while being compensated, provides
15 inspection, adjustment, or educational services regarding child
16 (~~passenger~~) restraint systems.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.59
18 RCW to read as follows:

19 (1) The Washington traffic safety commission shall produce and
20 disseminate informational and educational materials explaining the
21 proper use of child restraint systems in motor vehicles, the safety
22 risks of not properly using child restraint systems in motor
23 vehicles, where assistance on the proper installation and use of
24 child restraint systems in motor vehicles can be obtained, and the
25 legal penalties for not properly using child restraint systems in
26 motor vehicles.

27 (2) As used in this section, "child restraint system" has the
28 same meaning as defined in RCW 46.61.687(6).

29 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2020.

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