

# HOUSE BILL REPORT

## ESHB 2675

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### As Passed Legislature

**Title:** An act relating to child passenger restraint systems.

**Brief Description:** Updating requirements for child passenger restraint systems.

**Sponsors:** By House Committee on Transportation (originally sponsored by Representatives Skinner, Schual-Berke, Mitchell, Fisher, McDonald, Ruderman, O'Brien and Hurst).

### Brief History:

#### Committee Activity:

Transportation: 1/26/00, 2/2/00 [DPS].

#### Floor Activity:

Passed House: 2/15/00, 86-10.

Senate Amended.

Passed Senate: 3/1/00, 35-8.

Senate Receded.

Senate Amended.

Passed Senate: 3/9/00, 39-7.

House Concurred.

Passed House: 3/9/00, 83-15.

Passed Legislature.

### Brief Summary of Engrossed Substitute Bill

- Sets new weight and age requirements for the use of child car seats and booster seats.
- Makes the enforcement of child restraint systems a primary action.

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HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 19 members: Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Hankins, Republican Vice Chair; Buck; DeBolt; Haigh; Hatfield; Hurst; Lovick; Morris; Ogden; Radcliff; Schual-Berke; Scott; Skinner; Wood and Woods.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Ericksen, Republican Vice Chair; G. Chandler; Fortunato and Schindler.

**Staff:** Reema Shawa (786-7301).

**Background:**

Safety restraint laws have been in effect in Washington since the early 1980s and are directly linked to increased seatbelt and child car seat usage, as well as decreased fatalities and injuries resulting from car accidents.

In 1983, the Legislature enacted child passenger restraint laws which contain very basic requirements: between birth and 3 years of age, a child must be restrained in a child safety seat; and between the ages of 3 years and 10 years, a child must be restrained in either a child safety seat or a seat belt. It is a traffic infraction for any person not meeting these requirements. However, if the person found to be in violation provides proof that they purchased an approved child passenger restraint system within seven days of receiving the citation, the court shall dismiss the notice of infraction.

In 1986, the Legislature enacted seat belt laws which require anyone who is operating a vehicle, or riding as a passenger in a vehicle, to wear a safety belt or be in a child safety seat. It is a traffic infraction for any person to not wear a seat belt or be in a child safety seat as required by law.

In order to enforce these restraint laws, law enforcement must suspect a violation of a different traffic infraction or crime in order to detain an individual as it is not allowed, under current law, to detain someone just because they or their passengers were not buckled up. Therefore, our seatbelt and child safety seat laws are secondary in nature in that they can only be enforced as a secondary action when a driver has been stopped for a different traffic violation.

In looking for ways to improve upon current traffic safety practices, recent federal studies have produced new recommendations on restraint standards specifically relating to child restraint requirements. Based on a recent study, the National Highway Traffic Safety Administration found that 71 percent of deaths and 66 percent of injuries in car accidents could be eliminated if every child under the age of 15 used

an appropriate restraint system. In light of this finding, a Blue Ribbon Passenger Safety Panel, headed by the Secretary of the U.S. Department of Transportation, came out with the recommendation that in order to provide the utmost safety to children, those who weigh between 40 and 80 pounds should be placed in a booster seat when traveling in a vehicle.

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### **Summary of Bill:**

In an effort to strengthen current traffic safety standards, HB 2675 adds additional provisions to current child passenger restraint laws and adjusts enforcement constraints.

Provisions are as follows:

- Children under the age of 16 years must be restrained in a vehicle according to the following schedule:
  - 1 year of age or under or 20 pounds - a rear facing infant seat.
  - Between 1 year of age or over 20 pounds and 4 years of age, or under 40 pounds - a forward facing child safety seat.
  - Between 4 years of age or over 40 pounds and 6 years of age or under 60 pounds - a booster seat.
  - 6 years of age and older - a seatbelt.
- The penalty for violations of the above age/weight based child seat requirements is a traffic infraction. If the person found to be in violation provides proof that they purchased an approved child passenger restraint system within seven days of receiving the citation, the court shall dismiss the notice of infraction.
- The child restraint requirements are contingent on the vehicle having a safety belt system that allows for sufficient space for installation of the safety seat(s).
- For vehicles equipped with passenger-side air bags and the air bag system is activated, children under the age of 6 or under 60 pounds must be transported in the back seat of the vehicle, when practical to do so.
- School busses are exempt from these requirements.
- Vehicles with only lap belt systems are exempt from the booster seat requirement.

- A "child booster seat" is defined as "a child passenger restraint system that meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213 that is designed to elevate a child to properly sit in a federally approved lap/shoulder belt system."
- The enforcement of child restraint usage is made a primary action, but seatbelt enforcement is left as a secondary action.
- Law enforcement must do a visual inspection of the child restraint system in use to ensure that the system provides the maximum safety and security to each individual child. The enforcement requirement is to be applied in conjunction with the specific weight/age criteria.
- The Washington Traffic Safety Commission is required to conduct an educational campaign on the use of child car seats, booster seats, and seat belt use, based on the new provisions contained in this bill.
- The bill takes effect on July 1, 2002.

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**Appropriation:** None.

**Fiscal Note:** (Substitute bill) Available.

**Effective Date:** The bill takes effect on July 1, 2002.

**Testimony For:** This bill will strengthen the current law by adding additional requirements that will produce increased safety and decreased injuries and fatalities among children 4 to 8 years of age.

**Testimony Against:** None.

**Testified:** John Moffat and Steve Lind, Washington Traffic Safety Commission; Autumn Skeen; Dr. Maxine Hayes, Washington State Department of Health; Rick Bart, Snohomish County; Dr. Rivera, Harborview Medical Center; Suzanne Mayr, Mary Bridge Children's Hospital; and Jerry Farley.