

2 **ESSB 5112** - S AMD 529

3 By Senators Costa, Hargrove and Swecker

4 ADOPTED 02/13/02

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 46.61.687 and 2000 c 190 s 2 are each amended to read  
8 as follows:

9 (1) Enforcement of subsection (2) of this section is subject to a  
10 visual inspection by law enforcement to determine if the child  
11 restraint system in use is appropriate for the child's individual  
12 height, weight, and age. The visual inspection for usage of a child  
13 car seat must ensure that the seat in use is equipped with a harness  
14 system. The visual inspection for usage of a booster seat must ensure  
15 that the seat belt properly fits across the child's lap and the  
16 shoulder strap crosses the center of the child's chest. The visual  
17 inspection for usage of a seat belt by a child must ensure that the lap  
18 belt properly fits across the child's lap and the shoulder strap  
19 crosses the center of the child's chest. In determining violations,  
20 consideration to the criteria in this subsection must be given in  
21 conjunction with the provisions of subsection (2) of this section.

22 (2) Whenever a child who is less than sixteen years of age is being  
23 transported in a motor vehicle that is in operation and that is  
24 required by RCW 46.37.510 to be equipped with a safety belt system in  
25 a passenger seating position, the driver of the vehicle shall keep the  
26 child properly restrained as follows:

27 (a) If the child is less than (~~six~~) eight years old (~~and/or~~  
28 ~~sixty pounds~~) and less than four feet nine inches in height and the  
29 passenger seating position equipped with a safety belt system allows  
30 sufficient space for installation, then the child will be restrained in  
31 a child restraint system that complies with standards of the United  
32 States department of transportation and that is secured in the vehicle  
33 in accordance with instructions of the manufacturer of the child  
34 restraint system;

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

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

8 (d) If the child is less than ~~((six))~~ eight but at least four years  
9 of age ~~((or weighs))~~ and less than ~~((sixty pounds))~~ four feet nine  
10 inches in height but at least forty pounds, the child shall be properly  
11 restrained in a child booster seat; and

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

17 ~~((f) Enforcement of (a) through (e) of this subsection is subject to  
18 a visual inspection by law enforcement to determine if the child  
19 restraint system in use is appropriate for the child's individual  
20 height, weight, and age. The visual inspection for usage of a forward  
21 facing child safety seat must ensure that the seat in use is equipped  
22 with a four point shoulder harness system. The visual inspection for  
23 usage of a booster seat must ensure that the seat belt properly fits  
24 across the child's lap and the shoulder strap crosses the center of the  
25 child's chest. The visual inspection for the usage of a seat belt by  
26 a child must ensure that the lap belt properly fits across the child's  
27 lap and the shoulder strap crosses the center of the child's chest. In  
28 determining violations, consideration to the above criteria must be  
29 given in conjunction with the provisions of (a) through (e) of this  
30 subsection)).~~

31 (3) The driver of a vehicle transporting a child who is under the  
32 age of ~~((six))~~ eight years old ~~((or weighs))~~ and less than ~~((sixty~~  
33 ~~pounds))~~ four feet nine inches in height, when the vehicle is equipped  
34 with a passenger side air bag supplemental restraint system, and the  
35 air bag system is activated, shall transport the child in the back seat  
36 positions in the vehicle where it is practical to do so.

37 ~~((+2))~~ (4) A person violating subsection ~~((+1)(a) through (e))~~  
38 (2) of this section may be issued a notice of traffic infraction under  
39 chapter 46.63 RCW. If the person to whom the notice was issued

1 presents proof of acquisition of an approved child passenger restraint  
2 system or a child booster seat, as appropriate, within seven days to  
3 the jurisdiction issuing the notice and the person has not previously  
4 had a violation of this section dismissed, the jurisdiction shall  
5 dismiss the notice of traffic infraction.

6 ~~((+3))~~ (5) Failure to comply with the requirements of this section  
7 shall not constitute negligence by a parent or legal guardian; nor  
8 shall failure to use a child restraint system be admissible as evidence  
9 of negligence in any civil action.

10 ~~((+4))~~ (6) This section does not apply to: (a) For hire vehicles,  
11 (b) vehicles designed to transport sixteen or less passengers,  
12 including the driver, operated by auto transportation companies, as  
13 defined in RCW 81.68.010, (c) vehicles providing customer shuttle  
14 service between parking, convention, and hotel facilities, and airport  
15 terminals, and (d) school buses.

16 ~~((+5))~~ (7) As used in this section "child booster seat" means a  
17 child passenger restraint system that meets the Federal Motor Vehicle  
18 Safety Standards set forth in 49 C.F.R. 571.213 that is designed to  
19 elevate a child to properly sit in a federally approved lap/shoulder  
20 belt system.

21 ~~((+6))~~ (8) The requirements of subsection ~~((+1)(a) through (e))~~  
22 (2) of this section do not apply in any seating position where there is  
23 only a lap belt available and the child weighs more than forty pounds.

24 (9) A person, including but not limited to a volunteer provider of  
25 services, who without compensation, renders inspection, adjustment, or  
26 educational services regarding child passenger restraint systems is not  
27 liable for civil damages from any act or omission in rendering the  
28 services, other than acts or omissions constituting gross negligence or  
29 willful or wanton misconduct.

30 NEW SECTION. Sec. 2. This act takes effect July 1, 2002."

1 **ESSB 5112** - S AMD 529

2 By Senators Costa, Hargrove and Swecker

3 ADOPTED 02/13/02

4 On page 1, line 1 of the title, after "systems;" strike the  
5 remainder of the title and insert "amending RCW 46.61.687; and  
6 providing an effective date."

--- END ---