

## WASHINGTON'S CHILD RESTRAINT LAW, THE ANTON SKEEN ACT

An act relating to child passenger restraint systems; amending RCW 46.61.687 and 46.61.688; adding a new section to chapter 56.61 RCW; creating new sections and providing an effective date.

**Section 1.** The legislature recognizes that fewer than 5% of all drivers use child booster seats for children over the age of 4 years. The legislature also recognizes that 71% of deaths resulting from car accidents could be eliminated if every child under the age of 16 used an appropriate child safety seat, booster seat, or seat belt. The legislature further recognizes the National Transportation Safety Board's recommendations that promote the use of booster seats to increase the safety of children under 8 years of age. Therefore it is the legislature's intent to decrease deaths and injuries to children by promoting safety education and injury prevention measures, as well as increasing public awareness on ways to maximize the protection of children in vehicles.

**Section 2.** RCW 46.61.687 and 1994c100s1 are each amended to read as follows:

- 1) Whenever a child who is less than 16 years of age is being transported in a motor vehicle that is in operation and that is required by RCW 46.37.510 to be equipped with a safety belt system in a passenger seating position, the driver of the vehicle shall keep the child properly restrained as follows:
  - a) If the child is less than 6 years old or 60 pounds and the passenger seating position equipped with a safety belt system allows sufficient space for installation, then the child will be restrained in a child restraint system that complies with standards of the United States Department of Transportation and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system;
  - b) If the child is less than one year of age or weighs less than 20 pounds, the child shall be properly restrained in a rear-facing infant seat.
  - c) If the child is more than 1 but less than 4 years of age or weighs less than 40 pounds but at least 20 pounds, the child shall be properly restrained in a forward-facing child safety seat;
  - d) If the child is less than 6 but at least 4 years of age or weighs less than 60 pounds but at least 40 pounds, the child shall be properly restrained in a child booster seat;
  - e) If the child is 6 years of age or older or weighs more than 60 pounds, the child shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body or an appropriately fitting booster seat; and
  - f) Enforcement of (a) through (e) of this subsection is subject to a visual inspection by law enforcement to determine if the child restraint system in use is appropriate for the child's individual height, weight, and age. The visual inspection for usage of a forward-facing child safety seat must ensure that the seat in use is equipped with a 4-point shoulder harness system. The visual inspection for usage of a booster seat must ensure that that the seat belt properly fits across the child's lap and the shoulder strap crosses the center of the child's chest. The visual inspection for the usage of a seat belt by a child must ensure that the lap belt properly fits across the child's lap and the shoulder strap crosses the center of the child's chest. In determining violations, consideration to the above criteria must be given in conjunction with the provisions of (a) through (e) of this subsection. The driver of a vehicle transporting a child who is under the age of 6 years old or weighs less than 60 pounds, when the vehicle is equipped with a passenger side air bag supplemental restraint system, and the air bag is activated shall transport the child in the back seat positions in the vehicle where is practical to do so.
- 2) A person violating subsection (1) (a) through (e) of this section may be issued a notice of traffic infraction under chapter 46.63 RCW. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system or a child booster seat, as appropriate, within 7 days to the jurisdiction issuing the notice and the person has not previously and a violation of this section dismissed, the jurisdiction shall dismiss the notice of traffic infraction.
- 3) Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian; nor shall failure to use a child restraint system be admissible as evidence of negligence in any civil action.
- 4) This section does not apply to: (a) for hire vehicles, (b) vehicles designed to transport 16 or less passengers, including the driver, operated by auto transportation companies, as defined in RCW 81.68.010, (c) vehicles providing customer shuttle service between parking, convention, and hotel facilities, and airport terminals, and (d) school buses.

- 5) As used in this section "child booster seat" means a child passenger restraint system that meets the Federal Motor Vehicle Safety Standards set forth in C.F.R. 571.213 that is designed to elevate a child to properly sit in a federally approved lap/shoulder belt system.
- 6) The requirements of subsection (1) (a) through (e) of this section do not apply in any seating position where there is only a lap belt available and the child weighs more than 40 pounds.

**Section 3.** RCW 46.61.688 and 1990 c250s58 are each amended to read as follows:

- 1) For the purposes of this section, the term "motor vehicle" includes:
  - a) "Buses," meaning motor vehicles with motive power, except trailers, designed to carry more than 10 passengers;
  - b) "Multipurpose passenger vehicles," meaning motor vehicle with motive power, except trailers, designed to carry 10 persons or less that are constructed either on a truck chassis or with special features for occasional off-road operation[
  - c) "Passenger cars," meaning motor vehicles with motive power except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying 10 passengers or less; and
  - d) "Trucks," meaning motor vehicles with motive power, except trailers, designed primarily for the transportation of property.
- 2) This section only applies to motor vehicles that meet the manual seat belt safety standards as set forth in federal motor vehicle safety standard 208. This section does not apply to a vehicle occupant for whom no safety belt is available when all designated seating positions as required by federal motor vehicle safety standard 208 are occupied.
- 3) Every person 16 years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner.
- 4) No person may operate a motor vehicle unless all child passengers under the age of 16 are either: wearing a safety belt assembly or (b) are securely fastened into an approved child restraint device.
- 5) A person violating this section shall be issued a notice of traffic infraction under chapter 56.63 RCW. A finding that a person has committed a traffic infraction under this section shall be contained the driver's abstract but shall not be available to insurance companies or employers.
- 6) Failure to comply with the requirements of this section does not constitute negligence, nor may failure to wear a safety belt be admissible as evidence of negligence in any civil action.
- 7) Except for subsection (4) (b) of this section, which must be enforced as a primary action, enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of Title 46 RCW or an equivalent local ordinance or some other offense.
- 8) This section does not apply to an operator or passenger who possesses written verification from a licensed physician that he operator or passenger is unable to wear a safety belt for physical or medical reasons.
- 9) The state patrol may adopt rules exempting operators or occupants of farm vehicles, construction equipment, and vehicles that are required to make frequent stops from the requirement of wearing safety belts.

**Section 4.** A new section is added to chapter 46.61 RCW to read as follows: The Traffic Safety Commission shall conduct an educational campaign using all available methods to raise public awareness of the importance of properly restraining child passengers and the value of seatbelts to adult motorists. The Traffic Safety Commission shall report to the transportation committees of the legislature on the campaign and results observed on the highways. The first report is due December 1, 2000 and annually thereafter.

**Section 5.** This act may be known and cited as the Anton Skeen Act.

**Section 6.** This act takes effect July 1, 2002.