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**SUBSTITUTE HOUSE BILL 1188**

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**State of Washington**

**65th Legislature**

**2018 Regular Session**

**By** House Transportation (originally sponsored by Representatives Bergquist, Harmsworth, Fey, Hayes, Jinkins, and Hudgins)

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 two years of age or older may be  
9 properly secured in a child restraint system that is rear-facing  
10 until the child reaches the weight or height limit of the child  
11 restraint system as set by the manufacturer.

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

21 (c) A child who is not properly secured in a child restraint  
22 system in accordance with (a) or (b) of this subsection and who is  
23 either under ten years of age or under four feet nine inches tall  
24 must be properly secured in a child booster seat until the child  
25 reaches the weight or height limit of the child booster seat as set  
26 by the manufacturer. A child who is ten years of age or older may be  
27 properly secured in a child booster seat until the child reaches the  
28 weight or height limit of the child booster seat as set by the  
29 manufacturer or must be properly secured with the motor vehicle's  
30 safety belt properly adjusted and fastened around the child's body.

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

35 (e) The child booster seat used must comply with standards of the  
36 United States department of transportation and must be secured in the  
37 vehicle in accordance with instructions of the vehicle manufacturer  
38 and the child booster seat manufacturer to elevate a child to sit  
39 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, "child restraint system" means a  
33 child passenger restraint system that meets the federal motor vehicle  
34 safety standards set forth in 49 C.F.R. Sec. 571.213. A "child  
35 booster seat" is a type of child restraint system.

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

39       (8)(a) Except as provided in (b) of this subsection, a person who  
40 has a current national certification as a child passenger safety

1 technician and who in good faith provides inspection, adjustment, or  
2 educational services regarding child (~~passenger~~) restraint systems  
3 is not liable for civil damages resulting from any act or omission in  
4 providing the services, other than acts or omissions constituting  
5 gross negligence or willful or wanton misconduct.

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

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

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

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

24 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2019.

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