

**RCW 46.61.687 Child restraint system required—Conditions—
Exceptions—Penalty for violation—Dismissal—Noncompliance not
negligence—Immunity.**

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

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

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

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

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

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

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

(2) Enforcement of subsection (1) of this section 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 child restraint system must ensure that the child restraint system is being used in accordance with the instruction of the vehicle and the child restraint system manufacturers.

(3) A person violating subsection (1) 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 restraint system or a child booster seat, as appropriate, within seven days to the jurisdiction issuing the notice and the person has not previously had a violation of this section dismissed, the jurisdiction shall dismiss the notice of traffic infraction.

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

(5) This section does not apply to: (a) For hire vehicles, (b) vehicles designed to transport sixteen 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.

(6) As used in this section:

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

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

(7) The requirements of subsection (1)(c) of this section do not apply in any seating position where there is only a lap belt available.

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

(b) The immunity provided in this subsection does not apply to a certified child passenger safety technician who is employed by a retailer of child restraint systems and who, during his or her hours of employment and while being compensated, provides inspection, adjustment, or educational services regarding child restraint systems. [2019 c 59 § 1; 2007 c 510 § 4. Prior: 2005 c 415 § 1; 2005 c 132 § 1; 2003 c 353 § 5; 2000 c 190 § 2; 1994 c 100 § 1; 1993 c 274 § 1; 1987 c 330 § 745; 1983 c 215 § 2.]

Effective date—2019 c 59: "This act takes effect January 1, 2020." [2019 c 59 § 3.]

Effective date—2007 c 510: See note following RCW 46.04.320.

Effective date—2005 c 132 § 1: "Section 1 of this act takes effect June 1, 2007." [2005 c 132 § 3.]

Effective date—2003 c 353: See note following RCW 46.04.320.

Intent—2000 c 190: "The legislature recognizes that fewer than five percent of all drivers use child booster seats for children over the age of four years. The legislature also recognizes that seventy-one percent of deaths resulting from car accidents could be eliminated if every child under the age of sixteen 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 eight 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." [2000 c 190 § 1.]

Short title—2000 c 190: "This act may be known and cited as the Anton Skeen Act." [2000 c 190 § 5.]

Effective date—2000 c 190: "This act takes effect July 1, 2002." [2000 c 190 § 6.]

Construction—Application of rules—Severability—1987 c 330: See notes following RCW 28B.12.050.

Severability—1983 c 215: See note following RCW 46.37.505.

Standards for child passenger restraint systems: RCW 46.37.505.