

The text of this document is an accurate copy of what was filed by the initiative proponent with the Secretary of State for assignment of a serial number. The accuracy of code in amendatory sections has not been verified.

INITIATIVE 836

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 836 to the People is a true and correct copy as it was received by this office.

AN ACT Relating to the use of safety belts; amending RCW 46.61.688; and adding new sections.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

POLICIES AND PURPOSES

NEW SECTION. **Sec. 1.** In 2002 the law regarding enforcement of safety belt use by adults was changed. Up until that change of the law police officers in this state could NOT stop and issue a citation to an adult motorist for simply not wearing a safety belt "in a properly adjusted and securely fastened manner." This is what is referred to as a "SECONDARY OFFENSE."

The 2002 change in the law made a violation of the safety belt law a "PRIMARY OFFENSE" meaning that police can now stop and cite an adult motorist for not wearing a safety belt, even though the intent of the original law was to keep the safety belt law a "SECONDARY" offense and had been working just fine for the previous 16 years and there was no rational reason to change it as already safety belt use in Washington was among the highest in the country.

This Initiative, If enacted, would make enforcement of the Safety Belt Law a Secondary action once again.

Sec. 2. RCW 46.61.688 is amended to read as follows:

RCW 46.61.688 Safety belts, use required--Penalties--Exemptions.

(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 ten passengers;

(b) "Multipurpose passenger vehicles," meaning motor vehicles with motive power, except trailers, designed to carry ten 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 ten 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 sixteen 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 sixteen years are either: (a) 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 46.63 RCW. A finding that a person has committed a traffic infraction under this section shall be contained in 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 assembly be admissible as evidence of negligence in any civil action.

(7) This section does not apply to an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.

(8) 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.

(9) Except for subsection (4) 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 violation of Title 46 RCW or an equivalent local ordinance or some other offense.

CONSTRUCTION CLAUSE

NEW SECTION. **Sec. 3.** The provisions of this act are to be liberally construed to effectuate the intent, policies and purposes of this act.

SEVERABILITY CLAUSE

NEW SECTION. **Sec. 4.** If any provision of this act or its application to any person or circumstance is held invalid, the

remainder of the act or the application of the provision to other persons or circumstances is not affected.

LEGISLATIVE INTENT

NEW SECTION. **Sec. 5.** The people of the state of Washington have become displeased with the constant erosion of personal rights and freedoms, and wish to overturn the recent action of the legislature, that with little notification abruptly changed the status of the seatbelt law.

(1) All political power is vested in the people, as state in Article 1, section 1 of the Washington State Constitution.

(2) The first power reserved by the people is the initiative, as state in Article II, section 1 of the Washington State Constitution.

(3) The people expect the legislature to adopt any additional legislation necessary to effectuate the intent, policies and purposes of this act.

- END -