

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1023

BY: PAULK of the HOUSE

and

BROWN of the SENATE

AS INTRODUCED

AN ACT RELATING TO MOTOR VEHICLES; AMENDING SECTION 1, CHAPTER 7, O.S.L. 1983, AS LAST AMENDED BY SECTION 1, CHAPTER 271, O.S.L. 1988 (47 O.S. SUPP. 1990, SECTION 11-1112), WHICH RELATES TO CHILD PASSENGER RESTRAINT SYSTEMS AND SEAT BELTS; ELIMINATING EXEMPTION FOR SCHOOL BUSES; REQUIRING SEAT BELTS FOR TRANSPORTATION OF PUBLIC SCHOOL CHILDREN; AMENDING 47 O.S. 1981, SECTIONS 12-413 AND 12-414, WHICH RELATE TO SEAT BELTS AND SHOULDER HARNESES AND THEIR SPECIFICATIONS; MAKING IT UNLAWFUL TO SELL, TRADE OR TRANSFER CERTAIN SCHOOL BUSES WITHOUT CERTAIN EQUIPMENT; REQUIRING THE DEPARTMENT OF PUBLIC SAFETY TO PROMULGATE RULES AND REGULATIONS FOR SEAT BELTS AND PASSENGER RESTRAINT SYSTEMS FOR SCHOOL BUSES; AMENDING 47 O.S. 1981, SECTION 15-109, WHICH RELATES TO REGULATIONS RELATING TO SCHOOL BUSES; REQUIRING STATE BOARD OF EDUCATION TO PROMULGATE REGULATIONS BY CERTAIN DATE; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY Section 1, Chapter 7, O.S.L. 1983, as last amended by Section 1, Chapter 271, O.S.L. 1988 (47 O.S. Supp. 1990, Section 11-1112), is amended to read as follows:

Section 11-1112. A. Every driver when transporting a child under four (4) years of age in a motor vehicle or a school bus operated on the roadways, streets, or highways of this state shall provide for the protection of said child by properly using a child passenger restraint system, or a properly secured seat belt in the rear seat of the motor vehicle or in all seats of a school bus. For purposes of Sections 11-1112 and 11-1113 of this title, "child passenger restraint system" means an infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the United States Department of Transportation.

B. Children four (4) or five (5) years of age shall be protected by use of a child passenger restraint system or a seat belt. Children six (6) years of age through twenty-one (21) years of age who are furnished transportation on a school bus to and from public school or to and from public school related extracurricular activities sponsored by a public school shall be protected by the use of a seat belt.

C. The provisions of this section shall not apply to:

1. A nonresident driver transporting a child in this state; and
2. The driver of a ~~school bus~~, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to state or federal laws; and
3. The driver of an ambulance or emergency vehicle; and
4. A driver of a vehicle if all of the seat belts in the vehicle are in use; and
5. The transportation of children who for medical reasons are unable to be placed in such devices.

D. A law enforcement officer is hereby authorized to stop a vehicle if it appears that the driver of the vehicle has violated the provisions of this section and to give an oral warning to said driver. The warning shall advise the driver of the possible danger to children resulting from the failure to install or use a child passenger restraint system or seat belts in the motor vehicle.

E. A violation of the provisions of this section shall not be admissible as evidence in any civil action or proceeding for damages.

F. In any action brought by or on behalf of an infant for personal injuries or wrongful death sustained in a motor vehicle collision, the failure of any person to have the infant properly restrained in accordance with the provisions of this section shall not be used in aggravation or mitigation of damages.

G. Any person convicted of violating subsection A or B of this section shall be punished by a fine of Ten Dollars (\$10.00) and shall pay a maximum of Fifteen Dollars (\$15.00) court costs thereof. This fine shall be suspended in the case of the first offense upon proof of purchase or acquisition by loan of a child passenger restraint system. Provided, the Department of Public Safety shall not assess points to the driving record of any licensed or unlicensed person convicted of a violation of this section.

SECTION 2. AMENDATORY 47 O.S. 1981, Section 12-413, is amended to read as follows:

Section 12-413. A. It shall be unlawful for any person to sell or offer for sale at retail or trade or transfer from or to Oklahoma residents any passenger vehicle which is manufactured or assembled commencing with the 1966 models, unless such vehicle is equipped with safety belts or safety shoulder harness combinations which are installed for the use of persons in the left front and right front seats thereof.

B. It shall be unlawful for any person to sell, offer to sell, trade or transfer to or from a public school or school district of this state, any school bus which is manufactured or assembled commencing with the 1992 models which is not equipped with safety belts or safety shoulder harness combinations which are installed for the use of every child transported therein.

SECTION 3. AMENDATORY 47 O.S. 1981, Section 12-414, is amended to read as follows:

Section 12-414. All ~~such~~ safety belts or safety shoulder harnesses shall be of a type and shall be installed in a manner approved by the Department of Public Safety. The Department shall establish specifications and requirements for approved types of safety belts and safety shoulder harnesses and attachments thereto. Prior to October 1, 1991, the Department shall promulgate rules and regulations regarding the requirements and specifications of seat belts and child passenger restraint systems for school buses. The Department shall accept, as approved, all safety seat belt and safety shoulder harness installations and the belts, harnesses and anchors meeting the society of automotive engineers' specifications.

SECTION 4. AMENDATORY 47 O.S. 1981, Section 15-109, is amended to read as follows:

Section 15-109. (a) The State Board of Education by and with the advice of the Commissioner of Public Safety shall adopt and enforce regulations not inconsistent with ~~this act~~ the requirements of this title to govern the design and operation of all school buses used for the transportation of school children when owned and operated by any school district or when privately owned and operated under contract with any school district in this state, ~~and such.~~ Prior to November 1, 1991, the State Board of Education shall promulgate regulations regarding the installation and use of seat belts and child passenger restraint systems for school buses. All regulations regarding transportation shall by reference be made a

part of any such contract with a school district. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to said regulations.

(b) Any officer or employee of any school district who violates any of said regulations or fails to include the obligation to comply with said regulations in any contract executed by ~~him~~ the officer or employee on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any of said regulations shall be guilty of a breach of contract and such contract shall be canceled after notice and hearing by the responsible officers of such school district.

SECTION 5. Section 1 of this act shall become effective January 1, 1992.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-1-5308

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