STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1854 By: Boyd (Laura) of the House

and

Brown of the Senate

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 11-1112, which relates to child passenger restraint systems; deleting alternative method for securing children under four years of age; removing certain exception; increasing age limit of children who must be protected by restraint system or seat belt; prohibiting certain additional criminal actions; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, 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 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~~. 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 <u>through fifteen (15) years of age</u> shall be protected by use of a child passenger restraint system or 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.~~ 2. The driver of an ambulance or emergency vehicle; ~~and~~

~~4.~~ 3. A driver of a vehicle if all of the seat belts in the vehicle are in use; and

~~5.~~ 4. 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 civil action brought by or on behalf of ~~an infant~~ a child for personal injuries or wrongful death sustained in a motor vehicle collision, the failure of any person to have the ~~infant~~ child properly restrained in accordance with the provisions of this section shall not be used in aggravation or mitigation of damages.

G. For any motor vehicle collision resulting in injury or death of a child, a violation of the provisions of this section shall not be construed to authorize or allow any additional criminal actions to be brought against a person for the failure of the person to have properly restrained the child in accordance with the provisions of this section.

H. 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. This act shall become effective September 1, 1994.

44-2-8757 KSM