

3 Senate Bill No. 891

4 SENATE BILL NO. 891 - By: BROWN of the Senate and SEIKEL of the
5 House.

6 An Act relating to motor vehicles; amending 47 O.S. 1991,
7 Sections 11-1112, as amended by Section 1, Chapter 225,
8 O.S.L. 1995, 12-414, 12-415, 12-417, as amended by Section
9 1, Chapter 290, O.S.L. 1997 and 12-418 (47 O.S. Supp. 1999,
10 Sections 11-1112 and 12-417,), which relate to child
11 passenger restraint systems, safety belt specifications,
12 penalties, persons required to wear seat belts and
13 violations; deleting obsolete language; modifying age limit
14 for children to be protected by a passenger restraining
15 system; adding definitions; updating statutory references;
16 deleting obsolete language; and providing an effective
17 date. BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. AMENDATORY 47 O.S. 1991, Section 11-1112, as
19 amended by Section 1, Chapter 225, O.S.L. 1995 (47 O.S. Supp. 1999,
20 Section 11-1112), is amended to read as follows:

21 Section 11-1112. A. Every driver, when transporting a child
22 under four (4) years of age weighing sixty (60) pounds or less in a
23 motor vehicle operated on the roadways, streets, or highways of this
24 state, shall provide for the protection of said child by properly
25 using a child passenger restraint system. For purposes of this
26 section and Section 11-1113 of this title, "child passenger
27 restraint system" means an infant or child passenger restraint
28 system ~~that~~ which meets the federal standards ~~for crash-tested~~

1 ~~restraint systems~~ as set by ~~the United States Department of~~
2 ~~Transportation~~ 49 C.F.R. §571.213.

3 B. Children at least four (4) ~~or five (5)~~ years of age but
4 younger than thirteen (13) years of age shall be protected by use of
5 a child passenger restraint system or a seat belt.

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

7 1. A nonresident driver transporting a child in this state; ~~and~~

8 2. The driver of a school bus, taxicab, moped, motorcycle, or
9 other motor vehicle not required to be equipped with safety belts
10 pursuant to state or federal laws; ~~and~~

11 3. The driver of an ambulance or emergency vehicle; ~~and~~

12 4. ~~A~~ The driver of a vehicle ~~if~~ in which all of the seat belts
13 ~~in the vehicle~~ are in use; ~~and~~ or

14 5. The transportation of children who for medical reasons are
15 unable to be placed in such devices.

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

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

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

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

17 SECTION 2. AMENDATORY 47 O.S. 1991, Section 12-414, is
18 amended to read as follows:

19 Section 12-414. All ~~such~~ safety belts or safety shoulder
20 harnesses shall be of a type and shall be installed ~~in a manner~~
21 ~~approved by the Department of Public Safety. The Department shall~~
22 ~~establish specifications and requirements for approved types of~~
23 ~~safety belts and safety shoulder harnesses and attachments thereto.~~

1 ~~The Department shall accept, as approved, all safety seat belt and~~
2 ~~safety shoulder harness installations and the belts, harnesses and~~
3 ~~anchors meeting the society of automotive engineers' specifications~~
4 pursuant to 49 C.F.R. §571.208 et seq.

5 SECTION 3. AMENDATORY 47 O.S. 1991, Section 12-415, is
6 amended to read as follows:

7 Section 12-415. Any person violating any of the provisions of
8 ~~this act~~ Section 12-413 of this title shall, upon conviction
9 thereof, be punished as provided in ~~47 O.S.1961, § Section 17-101,~~
10 ~~as amended by Chapter 312, Oklahoma Session O.S.L. 1963, page 450 of~~
11 this title.

12 SECTION 4. AMENDATORY 47 O.S. 1991, Section 12-417, as
13 amended by Section 1, Chapter 290, O.S.L. 1997 (47 O.S. Supp. 1999,
14 Section 12-417), is amended to read as follows:

15 Section 12-417. A. 1. Every operator and front seat passenger
16 of a passenger car operated in this state shall wear a properly
17 adjusted and fastened safety seat belt system, required to be
18 installed in the motor vehicle when manufactured pursuant to ~~Federal~~
19 ~~Motor Vehicle Safety Standard 208~~ 49 C.F.R. §571.208.

20 2. For the purposes of this section, "passenger car" shall mean
21 "vehicle" as defined in Section 1102 of this title, ~~except that~~
22 "passenger. "Passenger car" shall include pickups, vans, minivans,
23 and sport utility vehicles. "Passenger car" shall not include

1 trucks, truck-tractors, recreational vehicles, motorcycles, or
2 motorized bicycles ~~or vehicles~~. "Passenger car" shall not include a
3 vehicle used primarily for farm use and which is registered and
4 licensed pursuant to the provisions of Section 1134 of this title.

5 B. This section shall not apply to ~~an operator or passenger of~~
6 ~~a passenger car in which the operator or passenger~~ any person who
7 possesses a written verification from a physician licensed in this
8 state that ~~he~~ the person is unable to wear a safety seat belt system
9 for medical reasons. Provided, the issuance of such verification by
10 a physician, in good faith, shall not give rise to, nor shall such
11 physician thereby incur, any liability whatsoever in damages or
12 otherwise, to any person injured by reason of such failure to wear a
13 safety seat belt system.

14 C. This section shall not apply to an operator of a motor
15 vehicle ~~who is~~ while performing official duties as a route carrier
16 of the U.S. Postal Service.

17 D. The Department of Public Safety shall not record or assess
18 points for violations of this section on any license holder's
19 traffic record maintained by the Department.

20 E. Fine and court costs for violating the provisions of this
21 section shall not exceed Twenty Dollars (\$20.00).

22 SECTION 5. AMENDATORY 47 O.S. 1991, Section 12-418, is
23 amended to read as follows:

1 Section 12-418. ~~Any person convicted of violating Section 2~~
2 ~~of this act shall be punished by a fine of Ten Dollars (\$10.00) and~~
3 ~~shall pay court costs of Fifteen Dollars (\$15.00). Provided, the~~
4 The Department of Public Safety shall not assess points to the
5 driving record of any ~~licensed or unlicensed~~ person convicted of a
6 violation of ~~this act~~ Section 12-417 of this title.

7 SECTION 6. This act shall become effective November 1, 2000.

8 COMMITTEE REPORT BY: COMMITTEE ON VETERANS, MILITARY AFFAIRS &
9 PUBLIC SAFETY, dated 2-15-00 - DO PASS, As Coauthored.