

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 891

By: Brown

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 11-1112, as amended by Section 1, Chapter 225, O.S.L. 1995, 12-414, 12-415, 12-417, as amended by Section 1, Chapter 290, O.S.L. 1997 and 12-418 (47 O.S. Supp. 1999, Sections 11-1112 and 12-417,), which relate to child passenger restraint systems, safety belt specifications, penalties, persons required to wear seat belts and violations; deleting obsolete language; modifying age limit for children to be protected by a passenger restraining system; adding definitions; updating statutory references; deleting obsolete language; 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, as amended by Section 1, Chapter 225, O.S.L. 1995 (47 O.S. Supp. 1999, 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 weighing sixty (60) pounds or less 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. For purposes of this section and Section 11-1113 of this title, "child passenger restraint system" means an infant or child passenger restraint system ~~that~~ which meets the federal standards ~~for crash-tested restraint systems~~ as set by ~~the United States Department of Transportation~~ 49 C.F.R. §571.213.

B. Children at least four (4) ~~or five (5)~~ years of age but younger than thirteen (13) years of age 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. The driver of an ambulance or emergency vehicle; ~~and~~

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

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. 1991, 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. 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 pursuant to 49 C.F.R. §571.208 et seq.~~

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

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

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

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

2. For the purposes of this section, "passenger car" shall mean "vehicle" as defined in Section 1102 of this title, ~~except that "passenger.~~ "Passenger car" shall include pickups, vans, minivans, and sport utility vehicles. "Passenger car" shall not include trucks, truck-tractors, recreational vehicles, motorcycles, or motorized bicycles or vehicles. "Passenger car" shall not include a

vehicle used primarily for farm use and which is registered and licensed pursuant to the provisions of Section 1134 of this title.

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

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

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

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

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

Section 12-418. ~~Any person convicted of violating Section 2 of this act shall be punished by a fine of Ten Dollars (\$10.00) and shall pay court costs of Fifteen Dollars (\$15.00). Provided, the~~ 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 act~~ Section 12-417 of this title.

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