

CS for SB 1224

1 THE STATE SENATE
2 Tuesday, February 17, 2004

3 Committee Substitute for
4 Senate Bill No. 1224

5 COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1224 - By: ROBINSON of the
6 Senate and PETERS of the House.

7 An Act relating to motor vehicles; amending 47 O.S. 2001,
8 Section 11-1112, as amended by Section 1, Chapter 55, O.S.L.
9 2002 (47 O.S. Supp. 2003, Section 11-1112), which relates to
10 child passenger restraint system; modifying requirement for
11 the use of child passenger restraint system for certain
12 children; adding exemption to use of child passenger
13 restraint system; and declaring an emergency.

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

15 SECTION 1. AMENDATORY 47 O.S. 2001, Section 11-1112, as
16 amended by Section 1, Chapter 55, O.S.L. 2002 (47 O.S. Supp. 2003,
17 Section 11-1112), is amended to read as follows:

18 Section 11-1112. A. Every driver, when transporting a child
19 under ~~four (4)~~ six (6) years of age ~~weighing sixty (60) pounds or~~
20 ~~less~~ in a motor vehicle operated on the roadways, streets, or
21 highways of this state, shall provide for the protection of said
22 child by properly using a child passenger restraint system. For
23 purposes of this section and Section 11-1113 of this title, "child
24 passenger restraint system" means an infant or child passenger
25 restraint system which meets the federal standards as set by 49
26 C.F.R. §571.213.

1 B. Children at least ~~four (4)~~ six (6) years of age but younger
2 than thirteen (13) years of age shall be protected by use of a child
3 passenger restraint system or a seat belt.

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

5 1. The driver of a school bus, taxicab, moped, motorcycle, or
6 other motor vehicle not required to be equipped with safety belts
7 pursuant to state or federal laws;

8 2. The driver of an ambulance or emergency vehicle;

9 3. The driver of a vehicle in which all of the seat belts are
10 in use; ~~or~~

11 4. The transportation of children who for medical reasons are
12 unable to be placed in such devices; or

13 5. The transportation of a child who weighs more than forty
14 (40) pounds and who is being transported in the back seat of a
15 vehicle while wearing only a lap safety belt when the back seat of
16 the vehicle is not equipped with combination lap and shoulder safety
17 belts, or when the combination lap and shoulder safety belts in the
18 back seat are being used by other children who weigh more than forty
19 (40) pounds.

20 D. A law enforcement officer is hereby authorized to stop a
21 vehicle if it appears that the driver of the vehicle has violated
22 the provisions of this section and to give an oral warning to said
23 driver. The warning shall advise the driver of the possible danger

1 to children resulting from the failure to install or use a child
2 passenger restraint system or seat belts in the motor vehicle.

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

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

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

19 SECTION 2. It being immediately necessary for the preservation
20 of the public peace, health and safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

23 COMMITTEE REPORT BY: COMMITTEE ON VETERANS, MILITARY AFFAIRS &
24 PUBLIC SAFETY, dated 2-9-04 - DO PASS, As Amended and Coauthored.