

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

SENATE BILL 16

By: Robinson

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 11-1112, as amended by Section 1, Chapter 55, O.S.L. 2002 (47 O.S. Supp. 2002, Section 11-1112), which relates to child passenger restraint systems; modifying age limit for children to be protected by a passenger restraining system; removing warning provisions; and providing an effective date.

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

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

Section 11-1112. A. Every driver, when transporting a child under ~~four (4)~~ six (6) 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 which meets the federal standards as set by 49 C.F.R. §571.213.

B. Children at least ~~four (4)~~ six (6) 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. 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;

2. The driver of an ambulance or emergency vehicle;

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

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 conviction of or a citation for 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 person convicted of a violation of this section.

SECTION 2. This act shall become effective November 1, 2003.