

3 **Senate Bill No. 799**
4 **As Amended**

5 SENATE BILL NO. 799 - By: JOLLEY of the Senate and BALKMAN of the
6 House.

7 An Act relating to motor vehicles; amending 47 O.S. 2001,
8 Section 11-1112, as last amended by Section 1, Chapter 40,
9 O.S.L. 2004 (47 O.S. Supp. 2004, Section 11-1112), which
10 relates to child passenger restraint systems; clarifying
11 statutory reference; increasing certain fine; and providing
12 an effective date.

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

14 SECTION 1. AMENDATORY 47 O.S. 2001, Section 11-1112, as
15 last amended by Section 1, Chapter 40, O.S.L. 2004 (47 O.S. Supp.
16 2004, Section 11-1112), is amended to read as follows:

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

1 B. Children at least six (6) years of age but younger than
2 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;

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. Provided, however, for purposes of this paragraph,
20 back seat shall include all seats located behind the front seat of a
21 vehicle operated by a licensed child care facility or church.

22 Provided further, there shall be a rebuttable presumption that a
23 child has met the weight requirements of this paragraph if at the

1 request of any law enforcement officer, the licensed child care
2 facility or church provides the officer with a written statement
3 verified by the parent or legal guardian that the child weighs more
4 than forty (40) pounds.

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

11 E. A violation of the provisions of this section shall not be
12 admissible as evidence in any civil action or proceeding for
13 damages.

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

19 G. Any person convicted of violating subsection A or B of this
20 section shall be punished by a fine of ~~Ten Dollars (\$10.00)~~ **Fifty**
21 **Dollars (\$50.00)** and shall pay ~~a maximum of Fifteen Dollars (\$15.00)~~
22 all court costs thereof. This fine shall be suspended in the case
23 of the first offense upon proof of purchase or acquisition by loan

1 of a child passenger restraint system. Provided, the Department of
2 Public Safety shall not assess points to the driving record of any
3 person convicted of a violation of this section.

4 SECTION 2. This act shall become effective November 1, 2005.

5 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY AND HOMELAND
6 SECURITY, dated 2-21-05 - DO PASS, As Amended.