

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 1345

By: Paddack

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5
6 AS INTRODUCED

7 An Act relating to public safety; amending 47 O.S.
8 2001, Section 12-417, as last amended by Section 10,
9 Chapter 190, O.S.L. 2005 (47 O.S. Supp. 2009, Section
10 12-417), which relates to safety belts; modifying
11 penalty for certain offense; and providing an
12 effective date.

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

14 SECTION 1. AMENDATORY 47 O.S. 2001, Section 12-417, as
15 last amended by Section 10, Chapter 190, O.S.L. 2005 (47 O.S. Supp.
16 2009, Section 12-417), is amended to read as follows:

17 Section 12-417. A. 1. Every operator and front seat passenger
18 of a passenger car operated in this state shall wear a properly
19 adjusted and fastened safety seat belt system, required to be
20 installed in the motor vehicle when manufactured pursuant to 49
21 C.F.R., Section 571.208.

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

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

5 B. The Commissioner of Public Safety, upon application from a
6 person who, for medical reasons, is unable to wear a safety seat
7 belt system supported by written attestation of such fact from a
8 physician licensed pursuant to Section 495 of Title 59 of the
9 Oklahoma Statutes, may issue to the person an exemption from the
10 provisions of this section. The exemption shall be in the form of a
11 restriction appearing on the driver license of the person and shall
12 remain in effect until the expiration date of the driver license.
13 Nothing in this subsection shall be construed to prevent the person
14 from applying for another exemption as provided for in this section.
15 The issuance of an attestation by a physician and the subsequent
16 issuance of an exemption by the Commissioner, in good faith, shall
17 not give rise to, nor shall the physician and the state thereby
18 incur, any liability whatsoever in damages or otherwise, to any
19 person injured by reason of failure of the person to wear a safety
20 seat belt system.

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

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

4 E. Fine and court costs for violating the provisions of this
5 section shall not ~~exceed Twenty Dollars (\$20.00)~~ be less than
6 Twenty-five Dollars (\$25.00) and not exceed Thirty Dollars (\$30.00).

7 F. Municipalities may enact and municipal police officers may
8 enforce ordinances prohibiting and penalizing conduct under
9 provisions of this section, but the provisions of those ordinances
10 shall be the same as provided for in this section, and the
11 enforcement provisions under those ordinances shall not be more
12 stringent than those of this section.

13 SECTION 2. This act shall become effective November 1, 2010.

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