

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 2345

By: McDaniel (Jeannie)

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6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.  
8 2011, Section 11-1112, as last amended by Section 3,  
9 Chapter 11, 1st Extraordinary Session, O.S.L. 2013  
10 (47 O.S. Supp. 2013, Section 11-1112), which relates  
11 to child passenger restraint systems; modifying  
12 certain child passenger restraint requirements; and  
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 47 O.S. 2011, Section 11-1112, as  
16 last amended by Section 3, Chapter 11, 1st Extraordinary Session,  
17 O.S.L. 2013 (47 O.S. Supp. 2013, Section 11-1112), is amended to  
18 read as follows:

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

1 child passenger restraint system which meets the federal standards  
2 as set by 49 C.F.R., Section 571.213.

3 B. Children at least six (6) years of age but younger than  
4 thirteen (13) years of age and fifty-seven (57) inches or less in  
5 height shall be protected by use of a child passenger restraint  
6 system or a ~~seat belt~~ booster seat. Children at least six (6) years  
7 of age but younger than thirteen (13) years of age and fifty-eight  
8 (58) inches or more in height shall be protected by use of a booster  
9 seat or a seat belt.

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

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

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

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

17 4. The transportation of children who for medical reasons are  
18 unable to be placed in such devices, provided there is written  
19 documentation from a physician of such medical reason; or

20 5. The transportation of a child who weighs more than forty  
21 (40) pounds and who is being transported in the back seat of a  
22 vehicle while wearing only a lap safety belt when the back seat of  
23 the vehicle is not equipped with combination lap and shoulder safety  
24 belts, or when the combination lap and shoulder safety belts in the

1 back seat are being used by other children who weigh more than forty  
2 (40) pounds. Provided, however, for purposes of this paragraph,  
3 back seat shall include all seats located behind the front seat of a  
4 vehicle operated by a licensed child care facility or church.  
5 Provided further, there shall be a rebuttable presumption that a  
6 child has met the weight requirements of this paragraph if at the  
7 request of any law enforcement officer, the licensed child care  
8 facility or church provides the officer with a written statement  
9 verified by the parent or legal guardian that the child weighs more  
10 than forty (40) pounds.

11 D. A violation of the provisions of this section shall be  
12 admissible as evidence in any civil action or proceeding for damages  
13 unless the plaintiff in such action or proceeding is a child under  
14 sixteen (16) years of age.

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

20 E. A person who is certified as a Child Passenger Safety  
21 Technician and who in good faith provides inspection, adjustment, or  
22 educational services regarding child passenger restraint systems  
23 shall not be liable for civil damages resulting from any act or  
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1 omission in providing such services, other than acts or omissions  
2 constituting gross negligence or willful or wanton misconduct.

3 F. Any person convicted of violating subsection A or B of this  
4 section shall be punished by a fine of Fifty Dollars (\$50.00) and  
5 shall pay all court costs thereof. Revenue from such fine shall be  
6 apportioned to the Department of Public Safety Restricted Revolving  
7 Fund and used by the Oklahoma Highway Safety Office to promote the  
8 use of child passenger restraint systems as provided in Section 11-  
9 1113 of this title. This fine shall be suspended and the court  
10 costs limited to a maximum of Fifteen Dollars (\$15.00) in the case  
11 of the first offense upon proof of purchase or acquisition by loan  
12 of a child passenger restraint system. Provided, the Department of  
13 Public Safety shall not assess points to the driving record of any  
14 person convicted of a violation of this section.

15 SECTION 2. This act shall become effective November 1, 2014.

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17 54-2-9018 GRS 12/30/13

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