

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. _____

COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. SB749, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Bass

Bass-BH-FS-Req#1519
2/18/2016 5:00 PM

(Floor Amendments Only) Date and Time Filed: _____

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 749

By: Bass of the Senate

and

6 Inman of the House

7
8
9 FLOOR SUBSTITUTE

10 [child passenger restraint systems - requirements -
11 penalties - effective date]

12
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 47 O.S. 2011, Section 11-1112, as
15 last amended by Section 3, Chapter 11, 1st Extraordinary Session,
16 O.S.L. 2013 (47 O.S. Supp. 2014, Section 11-1112), is amended to
17 read as follows:

18 Section 11-1112. A. Every driver, when transporting a child
19 under ~~six (6)~~ twelve (12) years of age in a motor vehicle operated
20 on the roadways, streets, or highways of this state, shall provide
21 for the protection of ~~said~~ the child by properly using a child
22 passenger restraint system as follows:

23 1. Children shall be properly secured in a rear-facing child
24 passenger restraint system until they reach two (2) years of age or

1 until they exceed the height or weight limit for the child passenger
2 restraint system;

3 2. A child from two (2) years of age until four (4) years of
4 age shall be properly secured in an appropriate child passenger
5 restraint system;

6 3. A child from four (4) years of age until eight (8) years of
7 age shall be properly secured in either a child passenger restraint
8 system or child booster seat, unless the child is at least four (4)
9 feet nine (9) inches in height.

10 B. A child eight (8) years of age or older or a child taller
11 than four (4) feet nine (9) inches shall be protected by the use of
12 a child booster seat or a seat belt.

13 For purposes of this section and Section 11-1113 of this title,
14 "child passenger restraint system" means an infant or child
15 passenger restraint system which meets the federal standards as set
16 by 49 C.F.R., Section 571.213.

17 ~~B. Children at least six (6) years of age but younger than~~
18 ~~thirteen (13) years of age shall be protected by use of a child~~
19 ~~passenger restraint system or a seat belt.~~

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

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

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

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

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

6 5. The transportation of a child who weighs more than forty
7 (40) pounds and who is being transported in the back seat of a
8 vehicle while wearing only a lap safety belt when the back seat of
9 the vehicle is not equipped with combination lap and shoulder safety
10 belts, or when the combination lap and shoulder safety belts in the
11 back seat are being used by other children who weigh more than forty
12 (40) pounds. Provided, however, for purposes of this paragraph,
13 back seat shall include all seats located behind the front seat of a
14 vehicle operated by a licensed child care facility or church.

15 Provided further, there shall be a rebuttable presumption that a
16 child has met the weight requirements of this paragraph if at the
17 request of any law enforcement officer, the licensed child care
18 facility or church provides the officer with a written statement
19 verified by the parent or legal guardian that the child weighs more
20 than forty (40) pounds.

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

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

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

12 F. Any person convicted of violating subsection A ~~or B~~ of this
13 section shall be punished by a fine of ~~Fifty Dollars (\$50.00)~~ One
14 Hundred Dollars (\$100.00) and shall pay all court costs thereof.

15 Revenue from such fine shall be apportioned to the Department of
16 Public Safety Restricted Revolving Fund and used by the Oklahoma
17 Highway Safety Office to promote the use of child passenger
18 restraint systems as provided in Section 11-1113 of this title.

19 This fine shall be suspended and the court costs limited to a
20 maximum of ~~Fifteen Dollars (\$15.00)~~ Twenty-five Dollars (\$25.00) in
21 the case of the first offense upon proof of purchase or acquisition
22 by loan of ~~a~~ an appropriate child passenger restraint system.

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

3 SECTION 2. This act shall become effective November 1, 2015.
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5 55-1-1519 BH 2/18/2016 5:00:45 PM
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