HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 1847 By: Inman of the House

and

Bass of the Senate

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 11-1112, as last amended by Section 3, Chapter 11, 1st Extraordinary Session, O.S.L. 2013 (47 O.S. Supp. 2014, Section 11-1112), which relates to child passenger restraint systems; modifying child passenger restraint system requirements; increasing penalties; and providing an effective date.

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

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

Section 11-1112. A. Every driver, when transporting a child under ~~six (6)~~ twelve (12) years of age in a motor vehicle operated on the roadways, streets, or highways of this state, shall provide

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~~Strike thru~~ language denotes deletion from present Statutes.

for the protection of said child by properly using a child passenger restraint system as follows:

1. Children under two (2) years of age shall be properly secured in a rear-facing child passenger restraint system;

2. Children at least two (2) years of age but younger than four (4) years of age shall be properly secured in a forward-facing child passenger restraint system;

3. Children at least four (4) years of age but younger than eight (8) years of age shall be properly secured in either a child passenger restraint system or child booster seat; and

4. Children at least eight (8) years of age but younger than twelve (12) years of age and less than four (4) feet nine (9) inches in height shall be properly secured in a child booster seat.

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., Section 571.213.

B. ~~Children at least 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;

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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;

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

5. The transportation of a child who weighs more than forty (40) pounds and who is being transported in the back seat of a vehicle while wearing only a lap safety belt when the back seat of the vehicle is not equipped with combination lap and shoulder safety belts, or when the combination lap and shoulder safety belts in the back seat are being used by other children who weigh more than forty (40) pounds. Provided, however, for purposes of this paragraph, back seat shall include all seats located behind the front seat of a vehicle operated by a licensed child care facility or church. Provided further, there shall be a rebuttable presumption that a child has met the weight requirements of this paragraph if at the request of any law enforcement officer, the licensed child care facility or church provides the officer with a written statement verified by the parent or legal guardian that the child weighs more than forty (40) pounds.

~~D.~~ C. A violation of the provisions of this section shall be admissible as evidence in any civil action or proceeding for damages

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unless the plaintiff in such action or proceeding is a child under sixteen (16) years of age.

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.

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

~~F.~~ E. Any person convicted of violating subsection A ~~or B~~ of this section shall be punished by a fine of ~~Fifty Dollars ($50.00)~~ Two Hundred Dollars ($200.00) and shall pay all court costs thereof. Revenue from such fine shall be apportioned to the Department of Public Safety Restricted Revolving Fund and used by the Oklahoma Highway Safety Office to promote the use of child passenger restraint systems as provided in Section 11-1113 of this title. This fine shall be suspended and the court costs limited to a maximum of ~~Fifteen Dollars ($15.00)~~ One Hundred Dollars ($100.00) in the case of the first offense upon proof of purchase or acquisition by loan of a child passenger restraint system. Provided, the

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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, 2015.

COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/12/2015 - DO PASS, As Coauthored.

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