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April 6, 2017

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1607

By: Enns of the House

and

Pederson of the Senate

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 11-1112, as last amended by Section 1, Chapter 396, O.S.L. 2015 (47 O.S. Supp. 2016, Section 11-1112), which relates to child passenger restraint system requirements; providing exception from rear-facing requirement for children of physically disabled parent.

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 1, Chapter 396, O.S.L. 2015 (47 O.S. Supp. 2016, Section 11-1112), is amended to read as follows:

Section 11-1112. A. Every driver, when transporting a child under eight (8) years of age in a motor vehicle operated on the roadways, streets, or highways of this state, shall provide for the protection of said child by properly using a child passenger restraint system as follows:

1 1. A child under four (4) years of age shall be properly
2 secured in a child passenger restraint system. ~~The~~ Except as
3 provided in subsection G of this section, the child passenger
4 restraint system shall be rear-facing until the child reaches two
5 (2) years of age or until the child reaches the weight or height
6 limit of the rear-facing child passenger restraint system as allowed
7 by the manufacturer of the child passenger restraint system,
8 whichever occurs first; and

9 2. A child at least four (4) years of age but younger than
10 eight (8) years of age, if not taller than 4 feet 9 inches in
11 height, shall be properly secured in either a child passenger
12 restraint system or child booster seat.

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. If a child is eight (8) years of age or is taller than 4
18 feet 9 inches in height, a seat belt properly secured to the vehicle
19 shall be sufficient to meet the requirements of this section.

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 of this
13 section shall be punished by a fine of Fifty Dollars (\$50.00) and
14 shall pay all court costs thereof. Revenue from such fine shall be
15 apportioned to the Department of Public Safety Restricted Revolving
16 Fund and used by the Oklahoma Highway Safety Office to promote the
17 use of child passenger restraint systems as provided in Section 11-
18 1113 of this title. This fine shall be suspended and the court
19 costs limited to a maximum of Fifteen Dollars (\$15.00) in the case
20 of the first offense upon proof of purchase or acquisition by loan
21 of a child passenger restraint system. Provided, the Department of
22 Public Safety shall not assess points to the driving record of any
23 person convicted of a violation of this section.

1 G. A child passenger being transported by a driver of a vehicle
2 who has been rightfully issued a detachable placard indicating
3 physical disability under the provisions of Section 15-112 of this
4 title or a physically disabled license place under the provisions of
5 Section 1135.1 or 1135.2 of this title and valid letter of forward-
6 facing exemption issued from the Department of Public Safety shall
7 be permitted to restrain a child under four (4) years of age in a
8 forward-facing child passenger restraint system. The placard and
9 forward-facing exemption letter must be present in the vehicle to be
10 in compliance.

11 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
12 April 6, 2017 - DO PASS AS AMENDED
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