

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

SENATE BILL 40

By: Hicks

AS INTRODUCED

An Act relating to motor vehicle safety; amending 47 O.S. 2011, Section 11-1112, as last amended by Section 2, Chapter 376, O.S.L. 2017 (47 O.S. Supp. 2020, Section 11-1112), which relates to child passenger restraint systems; requiring certain restraints; establishing certain fine and cost; updating statutory language; 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 2, Chapter 376, O.S.L. 2017 (47 O.S. Supp. 2020, 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~~ the child by properly using a child passenger restraint system as follows:

1. A child under four (4) years of age shall be properly secured in a child passenger restraint system. Except as provided in subsection G of this section, the child passenger restraint

1 system shall be rear-facing until the child reaches two (2) years of  
2 age or until the child reaches the weight or height limit of the  
3 rear-facing child passenger restraint system as allowed by the  
4 manufacturer of the child passenger restraint system, whichever  
5 occurs first; and

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

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

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

17 C. Each minor eight (8) years of age or older who is an  
18 occupant of a passenger vehicle, as defined in Section 12-417 of  
19 this title, shall be restrained by a seat safety belt which meets  
20 the federal standards as set by 49 C.F.R., Section 571.208, unless  
21 otherwise provided for in a child passenger restraint system as  
22 required pursuant to this section. In any case where a minor  
23 passenger eight (8) years of age or older fails to comply with the  
24 requirements of this subsection, the driver of the passenger vehicle

1 shall be guilty of the offense of failure to secure a seat safety  
2 belt on a minor, and upon conviction, shall be punished by a fine  
3 and court costs not to exceed Twenty Dollars (\$20.00).

4 D. The provisions of this section shall not apply to:

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

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

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

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

14 5. The transportation of a child who weighs more than forty  
15 (40) pounds and who is being transported in the back seat of a  
16 vehicle while wearing only a lap safety belt when the back seat of  
17 the vehicle is not equipped with combination lap and shoulder safety  
18 belts, or when the combination lap and shoulder safety belts in the  
19 back seat are being used by other children who weigh more than forty  
20 (40) pounds. Provided, however, for purposes of this paragraph,  
21 back seat shall include all seats located behind the front seat of a  
22 vehicle operated by a licensed ~~child-care~~ childcare facility or  
23 church. Provided, further, there shall be a rebuttable presumption  
24 that a child has met the weight requirements of this paragraph if at

1 the request of any law enforcement officer, the licensed ~~child-care~~  
2 childcare facility or church provides the officer with a written  
3 statement verified by the parent or legal guardian that the child  
4 weighs more than forty (40) pounds.

5 ~~D.~~ E. A violation of the provisions of this section shall be  
6 admissible as evidence in any civil action or proceeding for damages  
7 unless the plaintiff in such action or proceeding is a child under  
8 sixteen (16) years of age.

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

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

20 ~~F.~~ G. Any person convicted of violating subsection A of this  
21 section shall be punished by a fine of Fifty Dollars (\$50.00) and  
22 shall pay all court costs thereof. Revenue from such fine shall be  
23 apportioned to the Department of Public Safety Restricted Revolving  
24 Fund and used by the Oklahoma Highway Safety Office to promote the

1 use of child passenger restraint systems as provided in Section 11-  
2 1113 of this title. This fine shall be suspended and the court  
3 costs limited to a maximum of Fifteen Dollars (\$15.00) in the case  
4 of the first offense upon proof of purchase or acquisition by loan  
5 of a child passenger restraint system. Provided, the Department of  
6 Public Safety shall not assess points to the driving record of any  
7 person convicted of a violation of this section.

8 ~~G.~~ H. A driver of a vehicle who has been rightfully issued a  
9 detachable placard indicating physical disability under the  
10 provisions of Section 15-112 of this title or a physically disabled  
11 license plate under the provisions of Section 1135.1 or 1135.2 of  
12 this title and valid letter of forward-facing exemption issued from  
13 the Department of Public Safety shall be permitted to transport a  
14 child passenger under four (4) years of age in a forward-facing  
15 child passenger restraint system. The placard and forward-facing  
16 exemption letter must be present in the vehicle to be in compliance.

17 SECTION 2. This act shall become effective November 1, 2021.

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