

SENATE BILL No. 203

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-19-11.

Synopsis: Passenger restraint systems for children. Makes it a: (1) Level 6 felony for a person to operate a motor vehicle carrying a child who is not properly restrained if the motor vehicle is involved in an accident that causes serious bodily injury to the child; and (2) Level 5 felony if the accident results in the death of the child; with an affirmative defense if the child has certain physical or medical conditions. Makes conforming amendments.

Effective: July 1, 2014.

Skinner

January 9, 2014, read first time and referred to Committee on Corrections & Criminal Law.



Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 203



A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-19-11-2, AS AMENDED BY P.L.146-2009,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 2. (a) **Except as provided in subsection (b)**, a
4 person who operates a motor vehicle in which there is a child less than
5 eight (8) years of age who is not properly fastened and restrained
6 according to the child restraint system manufacturer's instructions by
7 a child restraint system commits a Class D infraction. A person may not
8 be found to have violated this subsection if the person carries a
9 certificate from a physician, physician's assistant, or advanced practice
10 nurse stating that it would be impractical to require that a child be
11 fastened and restrained by a child restraint system because of:
12 (1) a physical condition, including physical deformity; or
13 (2) a medical condition;
14 of the child and presents the certificate to the police officer or the court.
15 ~~(b)~~ Notwithstanding IC 34-28-5-5(c), funds collected as judgments
16 for violations under this ~~section~~ **subsection** shall be deposited in the



1 child restraint system account established by section 9 of this chapter.

2 **(b) A person who knowingly or intentionally operates a motor**
 3 **vehicle in which there is a child less than eight (8) years of age who**
 4 **is not properly fastened and restrained by a child restraint system**
 5 **according to the child restraint system manufacturer's instructions**
 6 **commits a Level 6 felony if the motor vehicle is involved in an**
 7 **accident that results in serious bodily injury to the child. However,**
 8 **the offense is a Level 5 felony if the accident results in the death of**
 9 **the child. It is a defense to a prosecution under this subsection that**
 10 **a physician, physician's assistant, or advanced practice nurse**
 11 **certified that it would be impractical to require that the child be**
 12 **fastened and restrained by a child restraint system because of:**

13 **(1) a physical condition, including physical deformity; or**

14 **(2) a medical condition;**

15 **of the child.**

16 SECTION 2. IC 9-19-11-3.6 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.6. (a) **Except as**
 18 **provided in subsection (b)**, a person who operates a motor vehicle in
 19 which there is a child and that is equipped with a safety belt meeting
 20 the standards stated in the Federal Motor Vehicle Safety Standard
 21 Number 208 (49 CFR 571.208) commits a Class D infraction if:

22 (1) the child is at least eight (8) years of age but less than sixteen

23 (16) years of age; and

24 (2) the child is not properly fastened and restrained:

25 **(A) according to the child restraint system manufacturer's**
 26 **instructions by a**

27 **(A) child restraint system; or**

28 **(B) by a safety belt.**

29 ~~(b)~~ Notwithstanding IC 34-28-5-5(c), funds collected as judgments
 30 for violations under this ~~section~~ **subsection** shall be deposited in the
 31 child restraint system account established by section 9 of this chapter.

32 **(b) A person who knowingly or intentionally violates subsection**
 33 **(a) commits a Level 6 felony if the motor vehicle is involved in an**
 34 **accident that results in serious bodily injury to the child. However,**
 35 **the offense is a Level 5 felony if the accident results in the death of**
 36 **the child. It is a defense to a prosecution under this subsection that**
 37 **a physician, physician's assistant, or advanced practice nurse**
 38 **certified that it would be impractical to require that the child be**
 39 **fastened and restrained by a child restraint system because of:**

40 **(1) a physical condition, including physical deformity; or**

41 **(2) a medical condition;**

42 **of the child.**



1 SECTION 3. IC 9-19-11-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. If at a **civil**
3 proceeding to enforce section ~~2~~ **2(a)** of this chapter the court finds that
4 the person:

5 (1) has violated this chapter; and

6 (2) possesses or has acquired a child restraint system;

7 the court shall enter judgment against the person. However,
8 notwithstanding IC 34-28-5-4, the person is not liable for any costs or
9 monetary judgment if the person has no previous judgments of
10 violation of this chapter against the person.

11 SECTION 4. IC 9-19-11-6 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) If at a **civil**
13 proceeding to enforce section ~~2~~ **2(a)** of this chapter the court finds that
14 the person:

15 (1) has violated this chapter; and

16 (2) does not possess or has not acquired a child restraint system;

17 the court shall enter judgment against the person and shall order the
18 person to provide proof of possession or acquisition within thirty (30)
19 days.

20 (b) Notwithstanding IC 34-28-5-4, if the person:

21 (1) complies with a court order under this section; and

22 (2) has no previous judgments of violation of this chapter against
23 the person;

24 the person is not liable for any costs or a monetary judgment.

