

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 HOUSE BILL 1607

 By: Enns

7 AS INTRODUCED

8 An Act relating to motor vehicles; amending 47 O.S.
9 2011, Section 11-1112, as last amended by Section 1,
10 Chapter 396, O.S.L. 2015 (47 O.S. Supp. 2016, Section
11 11-1112), which relates to child passenger restraint
 system requirements; providing exception from rear-
 facing requirement for children of physically
 disabled parent; and providing an effective date.

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

15 SECTION 1. AMENDATORY 47 O.S. 2011, Section 11-1112, as
16 last amended by Section 1, Chapter 396, O.S.L. 2015 (47 O.S. Supp.
17 2016, Section 11-1112), is amended to read as follows:

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

23 1. A child under four (4) years of age shall be properly
24 secured in a child passenger restraint system. ~~The~~ Except as

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

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

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

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

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

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

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

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

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

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

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

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

23 In any action brought by or on behalf of an infant for personal
24 injuries or wrongful death sustained in a motor vehicle collision,

1 the failure of any person to have the infant properly restrained in
2 accordance with the provisions of this section shall not be used in
3 aggravation or mitigation of damages.

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

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

22 G. The rear-facing child passenger restraint system requirement
23 provided for by paragraph 1 of subsection A of this section, shall
24 not apply in instances of a child passenger being transported by a

1 parent who has been rightfully issued a detachable placard
2 indicating physical disability under the provisions of Section 15-
3 112 of this title or a physically disabled license place under the
4 provisions of Sections 1135.1 or 1135.2 of this title. Under such
5 instances the child passenger shall be otherwise properly secured as
6 required by the provisions of this section.

7 SECTION 2. This act shall become effective November 1, 2017.

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9 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/09/2017 -
10 DO PASS.

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