

1 **SENATE FLOOR VERSION**

2 April 9, 2015

3 **AS AMENDED**

4 ENGROSSED HOUSE  
5 BILL NO. 1847

6 By: Inman, Hoskin and Sherrer  
7 of the House

8 and

9 Bass of the Senate

10  
11 **[ motor vehicles - child passenger restraint systems  
12 - effective date ]**

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

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

18 Section 11-1112. A. Every driver, when transporting a child  
19 under ~~six (6)~~ eight (8) years of age in a motor vehicle operated on  
20 the roadways, streets, or highways of this state, shall provide for  
21 the protection of said child by properly using a child passenger  
22 restraint system as follows:

23 1. Children under two (2) years of age shall be properly  
24 secured in a rear-facing child passenger restraint system or until  
they reach the highest weight and height allowed by the car seat's  
manufacturer;

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

4        3. Children at least four (4) years of age but younger than  
5 eight (8) years of age and less than 4 feet 9 inches in height shall  
6 be properly secured in either a child passenger restraint system or  
7 child booster seat.

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

12        B. Children at least ~~six (6)~~ eight (8) years of age but younger  
13 than thirteen (13) years of age shall be protected by use of a child  
14 passenger restraint system or a seat belt.

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

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

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

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

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

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

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

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

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

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

19 SECTION 2. This act shall become effective November 1, 2015.

20 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
21 April 9, 2015 - DO PASS AS AMENDED  
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