

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3265

By: Brewer

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2021, Section 11-1112 and 12-417, which relate to
9 vehicle restraint systems; modifying age requirements
10 for use of certain restraint systems; defining term;
11 modifying requirements; providing for admissibility
12 in certain proceedings; and providing an effective
13 date.

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

15 SECTION 1. AMENDATORY 47 O.S. 2021, Section 11-1112, is
16 amended to read as follows:

17 Section 11-1112. A. Every driver, when transporting a child
18 ~~under eight (8)~~ seventeen (17) years of age or younger in a motor
19 vehicle operated on the roadways, streets, or highways of this
20 state, shall provide for the protection of said child by properly
21 using a child passenger restraint system or seat belt as follows:

22 1. A child under four (4) years of age shall be properly
23 secured in a child passenger restraint system. Except as provided
24 in subsection G F of this section, the child passenger restraint
system shall be rear-facing until the child reaches two (2) years of

1 age or until the child reaches the weight or height limit of the
2 rear-facing child passenger restraint system as allowed by the
3 manufacturer of the child passenger restraint system, whichever
4 occurs first; ~~and~~

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

9 3. A child who is between eight (8) and twelve (12) years of
10 age shall be properly secured in a child passenger restraint system,
11 belt-positioning booster seat or seat belt. A child who is at least
12 4 feet 9 inches in height or is thirteen (13) years of age or older
13 shall be properly secured in a seat belt.

14 For purposes of this section and Section 11-1113 of this title,
15 "child passenger restraint system" means an infant or child
16 passenger restraint system which meets the federal standards as set
17 by 49 C.F.R., Section 571.213 and "seat belt" means a seat belt that
18 meets the federal standards as set by 49 C.F.R., Section 571.207-
19 210.

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

23 ~~C.~~ The provisions of this section shall not apply to:
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- 1 1. The driver of a school bus, taxicab, moped, motorcycle, or
2 other motor vehicle not required to be equipped with safety belts
3 pursuant to state or federal laws;
- 4 2. The driver of an ambulance or emergency vehicle;
- 5 3. The driver of a vehicle in which all of the seat belts are
6 in use;
- 7 4. The transportation of children who for medical reasons are
8 unable to be placed in such devices, provided there is written
9 documentation from a physician of such medical reason; or
- 10 5. The transportation of a child who weighs more than forty
11 (40) pounds and who is being transported in the back seat of a
12 vehicle while wearing only a lap safety belt when the back seat of
13 the vehicle is not equipped with combination lap and shoulder safety
14 belts, or when the combination lap and shoulder safety belts in the
15 back seat are being used by other children who weigh more than forty
16 (40) pounds. Provided, however, for purposes of this paragraph,
17 back seat shall include all seats located behind the front seat of a
18 vehicle operated by a licensed child care facility or church.
19 Provided further, there shall be a rebuttable presumption that a
20 child has met the weight requirements of this paragraph if at the
21 request of any law enforcement officer, the licensed child care
22 facility or church provides the officer with a written statement
23 verified by the parent or legal guardian that the child weighs more
24 than forty (40) pounds.

1 ~~D.~~ C. A violation of the provisions of this section shall be
2 admissible as evidence in any civil action or proceeding for damages
3 unless the plaintiff in such action or proceeding is a child under
4 sixteen (16) years of age.

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

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

16 ~~F.~~ E. Any person convicted of violating subsection A of this
17 section shall be punished by a fine of Fifty Dollars (\$50.00) and
18 shall pay all court costs thereof. Revenue from such fine shall be
19 apportioned to the Department of Public Safety Restricted Revolving
20 Fund and used by the Oklahoma Highway Safety Office to promote the
21 use of child passenger restraint systems as provided in Section 11-
22 1113 of this title. This fine shall be suspended and the court
23 costs limited to a maximum of Fifteen Dollars (\$15.00) in the case
24 of the first offense upon proof of purchase or acquisition by loan

1 of a child passenger restraint system. Provided, the Department of
2 Public Safety shall not assess points to the driving record of any
3 person convicted of a violation of this section.

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

13 SECTION 2. AMENDATORY 47 O.S. 2021, Section 12-417, is
14 amended to read as follows:

15 Section 12-417. A. 1. Every operator and front seat passenger
16 of a Class A commercial motor vehicle, Class B commercial motor
17 vehicle, Class C commercial motor vehicle or a passenger vehicle
18 operated in this state shall wear a properly adjusted and fastened
19 safety seat belt system, required to be installed in the motor
20 vehicle when manufactured pursuant to 49 C.F.R., Section 571.208.

21 2. Every passenger seventeen (17) years of age and younger in
22 the back seat of a passenger vehicle shall wear a properly adjusted
23 and fastened seat belt, unless otherwise provided for pursuant to
24 Section 11-1112 of this title. A violation of the provisions of

1 this subsection shall be admissible as evidence in any civil action
2 or proceeding as provided in subsection C of Section 11-1112 of this
3 title.

4 3. For the purposes of this section, "passenger vehicle" shall
5 mean a Class D motor vehicle, but shall not include trucks, truck-
6 tractors, recreational vehicles, motorcycles, or motorized bicycles,
7 or a vehicle used primarily for farm use which is registered and
8 licensed pursuant to the provisions of Section 1134 of this title.

9 B. The Commissioner of Public Safety, upon application from a
10 person who, for medical reasons, is unable to wear a safety seat
11 belt system supported by written attestation of such fact from a
12 physician licensed pursuant to Section 495 of Title 59 of the
13 Oklahoma Statutes, may issue to the person an exemption from the
14 provisions of this section. The exemption shall be in the form of a
15 restriction appearing on the driver license of the person and shall
16 remain in effect until the expiration date of the driver license.
17 Nothing in this subsection shall be construed to prevent the person
18 from applying for another exemption as provided for in this section.
19 The issuance of an attestation by a physician and the subsequent
20 issuance of an exemption by the Commissioner, in good faith, shall
21 not give rise to, nor shall the physician and the state thereby
22 incur, any liability whatsoever in damages or otherwise, to any
23 person injured by reason of failure of the person to wear a safety
24 seat belt system.

1 C. This section shall not apply to an operator of a motor
2 vehicle while performing official duties as a route carrier of the
3 U.S. Postal Service.

4 D. The Department of Public Safety shall not record or assess
5 points for violations of this section on any license holder's
6 traffic record maintained by the Department.

7 E. Fine and court costs for violating the provisions of this
8 section shall not exceed Twenty Dollars (\$20.00).

9 F. Municipalities may enact and municipal police officers may
10 enforce ordinances prohibiting and penalizing conduct under
11 provisions of this section, but the provisions of those ordinances
12 shall be the same as provided for in this section, and the
13 enforcement provisions under those ordinances shall not be more
14 stringent than those of this section.

15 SECTION 3. This act shall become effective November 1, 2022.

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17 58-2-9426 CMA 12/28/21

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