

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1406

By: Bass

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5  
6 AS INTRODUCED

7 An Act relating to child safety; amending 47 O.S.  
8 2011, Section 11-1112, as last amended by Section 1,  
9 Chapter 396, O.S.L. 2015 (47 O.S. Supp. 2015, Section  
10 11-1112), which relates to child passenger restraint  
11 system requirements; clarifying certain requirements;  
12 and providing an 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 1, Chapter 396, O.S.L. 2015 (47 O.S. Supp.  
16 2015, Section 11-1112), is amended to read as follows:

17 Section 11-1112. A. Every driver, when transporting a child  
18 under ~~eight (8)~~ thirteen (13) years of age in a motor vehicle  
19 operated on the roadways, streets, or highways of this state, shall  
20 provide for the protection of ~~said~~ the child by properly using a  
21 child passenger restraint system as follows:

22 1. A child under four (4) years of age shall be properly  
23 secured in a child passenger restraint system. The child passenger  
24 restraint system shall be rear-facing until the child reaches two  
(2) years of age or until the child reaches the weight or height

1 limit of the rear-facing child passenger restraint system as allowed  
2 by the manufacturer of the child passenger restraint system,  
3 whichever occurs first; and

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

8 3. Children at least eight (8) years of age but younger than  
9 thirteen (13) years of age and less than 4 feet 9 inches in height  
10 shall be properly secured in a 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 SECTION 2. This act shall become effective November 1, 2016.

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