

1 **SENATE FLOOR VERSION**

2 February 19, 2015

3 **AS AMENDED**

4 SENATE BILL NO. 749

5 By: Bass of the Senate

6 and

7 Inman of the House

8 **[ child passenger restraint systems - requirements -**  
9 **penalties - effective date ]**

10  
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

16 Section 11-1112. A. Every driver, when transporting a child  
17 under ~~six (6)~~ twelve (12) years of age in a motor vehicle operated  
18 on the roadways, streets, or highways of this state, shall provide  
19 for the protection of said child by properly using a child passenger  
20 restraint system as follows:

21 1. Children under two (2) years of age shall be properly  
22 secured in a rear-facing child passenger restraint system;

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;

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

7        4. Children at least eight (8) years of age but younger than  
8 twelve (12) years of age and less than four (4) feet nine (9) inches  
9 in height shall be properly secured in a child booster seat.

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

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

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

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

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

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

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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.~~ C. 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 ~~F.~~ D. 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.~~ E. Any person convicted of violating subsection A ~~or B~~ of  
11 this section shall be punished by a fine of ~~Fifty Dollars (\$50.00)~~  
12 One Hundred Dollars (\$100.00) and shall pay all court costs thereof.  
13 Revenue from such fine shall be apportioned to the Department of  
14 Public Safety Restricted Revolving Fund and used by the Oklahoma  
15 Highway Safety Office to promote the use of child passenger  
16 restraint systems as provided in Section 11-1113 of this title.  
17 This fine shall be suspended and the court costs limited to a  
18 maximum of ~~Fifteen Dollars (\$15.00)~~ One Hundred Dollars (\$100.00) in  
19 the case of the first offense upon proof of purchase or acquisition  
20 by loan of a child passenger restraint system. Provided, the  
21 Department of Public Safety shall not assess points to the driving  
22 record of any person convicted of a violation of this section.

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

2 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
3 February 19, 2015 - DO PASS AS AMENDED  
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