

1 **SENATE FLOOR VERSION**

2 February 25, 2019

3 SENATE BILL NO. 785

By: Hicks of the Senate

4 and

5 Albright of the House

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7  
8 An Act relating to motor vehicles; amending 47 O.S.  
9 2011, Section 11-1112, as last amended by Section 2,  
10 Chapter 376, O.S.L. 2017 (47 O.S. Supp. 2018, Section  
11 11-1112), which relates to child passenger restraint  
12 systems; modifying prescribed restraints; and  
13 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 2, Chapter 376, O.S.L. 2017 (47 O.S. Supp.  
17 2018, 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. Except as provided  
in subsection G of this section, the child passenger restraint

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

6 2. A child at least four (4) years of age but younger than  
7 eight (8) years of age, if not taller than 4 feet 9 inches in  
8 height, shall be properly secured in either a child passenger  
9 restraint system or 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. If a child is eight (8) years of age or is taller than 4  
15 feet 9 inches in height, a seat belt properly secured to the vehicle  
16 shall be sufficient to meet the requirements of this section.

17 C. All children under the age of twelve (12) years of age and  
18 not taller than 4 feet 9 inches in height shall be properly  
19 restrained pursuant to provisions in paragraphs A and B of this  
20 section in either a child passenger restraint system, a child  
21 booster seat or seat belt properly secured to the vehicle in the  
22 back seat of the vehicle if the vehicle is equipped with a back  
23 seat.

24 The provisions of this section shall not apply to:

- 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. 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. 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. 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. 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. This act shall become effective November 1, 2019.

14 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
15 February 25, 2019 - DO PASS

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