

1 ENGROSSED SENATE AMENDMENT
2 TO
3 ENGROSSED HOUSE
4 BILL NO. 1847

By: Inman, Hoskin and Sherrer
of the House

and

Bass of the Senate

6
7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Section 11-1112, as last amended by Section 3,
9 Chapter 11, 1st Extraordinary Session, O.S.L. 2013
10 (47 O.S. Supp. 2014, Section 11-1112), which relates
11 to child passenger restraint systems; modifying child
12 passenger restraint system requirements; and
13 providing an effective date.

14
15 AMENDMENT NO. 1. Page 1, strike the title to read:

16 "[motor vehicles - child passenger restraint systems
17 - effective date]"

18 Passed the Senate the 22nd day of April, 2015.

19 _____
20 Presiding Officer of the Senate

21 Passed the House of Representatives the ____ day of _____,
22 2015.

23 _____
24 Presiding Officer of the House
of Representatives

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to child passenger restraint systems; modifying child
11 passenger restraint system requirements; and
providing an effective date.
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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 3, Chapter 11, 1st Extraordinary Session,
17 O.S.L. 2013 (47 O.S. Supp. 2014, Section 11-1112), is amended to
18 read as follows:

19 Section 11-1112. A. Every driver, when transporting a child
20 under ~~six (6)~~ eight (8) years of age in a motor vehicle operated on
21 the roadways, streets, or highways of this state, shall provide for
22 the protection of said child by properly using a child passenger
23 restraint system as follows:
24

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

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

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

1 Passed the House of Representatives the 9th day of March, 2015.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2015.

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8 Presiding Officer of the Senate