

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2129

By: Ortega

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Section 11-1112, as last amended by Section 2,
9 Chapter 376, O.S.L. 2017 (47 O.S. Supp. 2018, Section
10 11-1112), which relates to child restraints in
vehicles; providing an exclusion for certain drivers;
and providing an effective date.

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 2, Chapter 376, O.S.L. 2017 (47 O.S. Supp.
14 2018, Section 11-1112), is amended to read as follows:

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

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

1 rear-facing child passenger restraint system as allowed by the
2 manufacturer of the child passenger restraint system, whichever
3 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 four feet ~~9~~ nine inches
6 (4'9") in height, shall be properly secured in either a child
7 passenger restraint system or child booster seat.

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

12 B. If a child is eight (8) years of age or is taller than 4
13 four feet ~~9~~ nine inches (4'9") in height, a seat belt properly
14 secured to the vehicle shall be sufficient to meet the requirements
15 of this section.

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

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

20 2. The operator of a personal vehicle that is used by a
21 Transportation Network Company (TNC) driver in connection with
22 providing prearranged rides as defined in Section 1011 of this
23 title;

24 3. The driver of an ambulance or emergency vehicle;

1 ~~3.~~ 4. The driver of a vehicle in which all of the seat belts
2 are in use;

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

6 ~~5.~~ 6. 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
14 a 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 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.

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

10 SECTION 2. This act shall become effective November 1, 2019.

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12 57-1-5041 JBH 11/29/18

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