

# HOUSE BILL No. 1297

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-19.

**Synopsis:** Safety belt and child restraint systems. Provides that failing to wear a safety belt is a Class C infraction. (Current law provides that failing to wear a safety belt is a Class D infraction.) Provides that failing to properly fasten and restrain a child within a motor vehicle is a Class C infraction. (Current law provides that failing to properly fasten and restrain a child within a motor vehicle is a Class D infraction.) Removes provisions specifying that a person is not liable for costs or a monetary judgment in certain cases in which a judgment related to a child restraint system is entered against the person.

**Effective:** July 1, 2019.

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January 14, 2019, read first time and referred to Committee on Roads and Transportation.

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First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

# HOUSE BILL No. 1297

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 9-19-10-8 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) A person who:  
3 (1) is at least sixteen (16) years of age; and  
4 (2) violates section 2 of this chapter;  
5 commits a Class ~~D~~ C infraction.  
6 (b) The bureau may not assess points under the point system for  
7 Class ~~D~~ infractions under this section.  
8 SECTION 2. IC 9-19-11-2, AS AMENDED BY P.L.129-2018,  
9 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2019]: Sec. 2. (a) A person who operates a motor vehicle in  
11 which there is a child less than eight (8) years of age who is not  
12 properly fastened and restrained according to the child restraint system  
13 manufacturer's instructions by a child restraint system commits a Class  
14 ~~D~~ C infraction. A person may not be found to have violated this  
15 subsection if the person carries a certificate from a physician,  
16 physician's assistant, or advanced practice registered nurse stating that  
17 it would be impractical to require that a child be fastened and



1 restrained by a child restraint system because of:

- 2 (1) a physical condition, including physical deformity; or  
 3 (2) a medical condition;

4 of the child and presents the certificate to the police officer or the court.

5 (b) Notwithstanding IC 34-28-5-5(c), funds collected as judgments  
 6 for violations under this section shall be deposited in the child restraint  
 7 system account established by section 9 of this chapter.

8 SECTION 3. IC 9-19-11-3.6 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3.6. (a) A person who  
 10 operates a motor vehicle in which there is a child and that is equipped  
 11 with a safety belt meeting the standards stated in the Federal Motor  
 12 Vehicle Safety Standard Number 208 (49 CFR 571.208) commits a  
 13 Class ~~D~~ C infraction if:

- 14 (1) the child is at least eight (8) years of age but less than sixteen  
 15 (16) years of age; and  
 16 (2) the child is not properly fastened and restrained according to  
 17 the child restraint system manufacturer's instructions by a:  
 18 (A) child restraint system; or  
 19 (B) safety belt.

20 (b) Notwithstanding IC 34-28-5-5(c), funds collected as judgments  
 21 for violations under this section shall be deposited in the child restraint  
 22 system account established by section 9 of this chapter.

23 SECTION 4. IC 9-19-11-5 IS REPEALED [EFFECTIVE JULY 1,  
 24 2019]. Sec. 5: If at a proceeding to enforce section 2 of this chapter the  
 25 court finds that the person:

- 26 ~~(1) has violated this chapter; and~~  
 27 ~~(2) possesses or has acquired a child restraint system;~~

28 the court shall enter judgment against the person. However;  
 29 notwithstanding IC 34-28-5-4, the person is not liable for any costs or  
 30 monetary judgment if the person has no previous judgments of  
 31 violation of this chapter against the person.

32 SECTION 5. IC 9-19-11-6 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) If at a proceeding  
 34 to enforce section 2 of this chapter the court finds that the person:

- 35 (1) has violated this chapter; and  
 36 (2) does not possess or has not acquired a child restraint system;

37 the court shall enter judgment against the person and shall order the  
 38 person to provide proof of possession or acquisition within thirty (30)  
 39 days.

40 (b) Notwithstanding IC 34-28-5-4, if the person:

- 41 ~~(1) complies with a court order under this section; and~~  
 42 ~~(2) has no previous judgments of violation of this chapter against~~



1           the person;  
2           the person is not liable for any costs or a monetary judgment.

