

1 state, shall provide for the protection of said child by properly
2 using a child passenger restraint system as follows:

3 1. A child under four (4) years of age shall be properly
4 secured in a child passenger restraint system. Except as provided
5 in subsection G F of this section, the child passenger restraint
6 system shall be rear-facing until the child reaches two (2) years of
7 age or until the child reaches the weight or height limit of the
8 rear-facing child passenger restraint system as allowed by the
9 manufacturer of the child passenger restraint system, whichever
10 occurs first; ~~and~~

11 2. A child at least four (4) years of age but younger than
12 eight (8) years of age, ~~if not taller than 4 feet 9 inches in~~
13 ~~height,~~ shall be properly secured in either a child passenger
14 restraint system or child booster seat; and

15 3. A child who is between the age of eight (8) and twelve (12)
16 years of age shall ride in the rear seat when available, properly
17 secured in a child restraint system, belt-positioning booster seat
18 or seat belt. A child who is thirteen (13) years of age or older
19 shall be properly secured in a seat belt.

20 For purposes of this section and Section 11-1113 of this title,
21 "child passenger restraint system" means an infant or child
22 passenger restraint system which meets the federal standards as set
23 by 49 C.F.R., Section 571.213 and "seat belt" means a seat belt that
24 meets federal standards 49 C.F.R., Section 571.207-210.

1 B. ~~If a child is eight (8) years of age or is taller than 4~~
2 ~~feet 9 inches in height, a seat belt properly secured to the vehicle~~
3 ~~shall be sufficient to meet the requirements of this section.~~

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

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

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

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

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

14 5. The transportation of a child who weighs more than forty
15 (40) pounds and who is being transported in the back seat of a
16 vehicle while wearing only a lap safety belt when the back seat of
17 the vehicle is not equipped with combination lap and shoulder safety
18 belts, or when the combination lap and shoulder safety belts in the
19 back seat are being used by other children who weigh more than forty
20 (40) pounds. Provided, however, for purposes of this paragraph,
21 back seat shall include all seats located behind the front seat of a
22 vehicle operated by a licensed child care facility or church.

23 Provided further, there shall be a rebuttable presumption that a
24 child has met the weight requirements of this paragraph if at the

1 request of any law enforcement officer, the licensed child care
2 facility or church provides the officer with a written statement
3 verified by the parent or legal guardian that the child weighs more
4 than forty (40) pounds.

5 ~~D.~~ C. A violation of the provisions of this section shall be
6 admissible as evidence in any civil action or proceeding for damages
7 unless the plaintiff in such action or proceeding is a child under
8 sixteen (16) years of age.

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

14 ~~E.~~ D. A person who is certified as a Child Passenger Safety
15 Technician and who in good faith provides inspection, adjustment, or
16 educational services regarding child passenger restraint systems
17 shall not be liable for civil damages resulting from any act or
18 omission in providing such services, other than acts or omissions
19 constituting gross negligence or willful or wanton misconduct.

20 ~~F.~~ E. Any person convicted of violating subsection A of this
21 section shall be punished by a fine of Fifty Dollars (\$50.00) and
22 shall pay all court costs thereof. Revenue from such fine shall be
23 apportioned to the Department of Public Safety Restricted Revolving
24 Fund and used by the Oklahoma Highway Safety Office to promote the

1 use of child passenger restraint systems as provided in Section 11-
2 1113 of this title. This fine shall be suspended and the court
3 costs limited to a maximum of Fifteen Dollars (\$15.00) in the case
4 of the first offense upon proof of purchase or acquisition by loan
5 of a child passenger restraint system. Provided, the Department of
6 Public Safety shall not assess points to the driving record of any
7 person convicted of a violation of this section.

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

17 SECTION 2. This act shall become effective November 1, 2020.

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19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/17/2020 -
20 DO PASS, As Coauthored.

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