

**A-Engrossed**  
**House Bill 2536**

Ordered by the House April 4  
Including House Amendments dated April 4

Sponsored by Representative MACPHERSON, Senator DEVLIN; Representative GELSER, Senator MONROE

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires motor vehicle passengers who are under 13 years of age to sit in rear seat of motor vehicle. Requires persons who are under eight years of age or are under certain height to use child safety system in motor vehicle. Requires persons under one year of age to use rear-facing child safety system. Removes provision allowing drivers to transport more people in vehicle than vehicle's restraint systems can accommodate.

Renames offense of failure to use safety belts to failure to properly use safety belts.

Creates offense of endangering child safety. Punishes by maximum fine of \$90.

Declares emergency, effective July 1, 2007.

**A BILL FOR AN ACT**

1  
2 Relating to motor vehicle passenger safety; creating new provisions; amending ORS 811.210 and  
3 811.215; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Sections 2 and 3 of this 2007 Act are added to and made a part of the Oregon**  
6 **Vehicle Code.**

7 **SECTION 2. The Legislative Assembly finds that:**

8 (1) **Oregon drivers look to the law in deciding how to restrain and protect children in**  
9 **motor vehicles.**

10 (2) **The proper restraint of children in motor vehicles will reduce the number of children**  
11 **killed in motor vehicle accidents and reduce the severity of injuries to children who survive**  
12 **motor vehicle accidents.**

13 **SECTION 3. (1) A person commits the offense of endangering child safety if the person**  
14 **operates a motor vehicle on the highways of this state with a passenger who is under 13**  
15 **years of age who is seated in the front seat when a rear passenger seating position is avail-**  
16 **able.**

17 (2) **For the purposes of this section, a rear passenger seating position is available if the**  
18 **position is equipped with a safety belt or safety harness and is not occupied by a vulnerable**  
19 **passenger or by a passenger who is under 13 years of age.**

20 (3) **As used in this section, "vulnerable passenger" means a passenger 13 years of age or**  
21 **older who, by reason of medical condition or body size, is at greater risk of injury in the**  
22 **event of an accident or collision than another passenger in the motor vehicle who is under**  
23 **13 years of age.**

24 (4) **The offense described in this section, endangering child safety, is a Class D traffic**  
25 **violation.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1       **SECTION 4.** ORS 811.210 is amended to read:

2       811.210. (1) A person commits the offense of failure to **properly** use safety belts if the person:

3       (a) Operates a motor vehicle on the highways of this state and is not properly secured with a  
4 safety belt or safety harness as required by subsection (2) of this section;

5       (b) Operates a motor vehicle on the highways of this state with a passenger who is under 16  
6 years of age and the passenger is not properly secured with a child safety system, safety belt[,] or  
7 safety harness as required by subsection (2) of this section;

8       (c) Is a passenger in a privately owned commercial vehicle, as defined in ORS 801.210, that is  
9 designed and used for the transportation of 15 or fewer persons, including the driver, and the person  
10 is 16 years of age or older and is responsible for another passenger who is not properly secured with  
11 a child safety system as required under subsection (2)(a), **(b) or (c)** [or (b)] of this section; or

12       (d) Is a passenger in a motor vehicle on the highways of this state who is 16 years of age or  
13 older and who is not properly secured with a safety belt or safety harness as required by subsection  
14 (2) of this section.

15       (2) To comply with this section:

16       (a) **A person who is under one year of age, regardless of weight, or a person who weighs**  
17 **20 pounds or less must be properly secured with a child safety system in a rear-facing posi-**  
18 **tion.**

19       [(a)] (b) A person who [*is under four years of age and*] weighs 40 pounds or less must be properly  
20 secured with a child safety system that meets the minimum standards and specifications established  
21 by the Department of Transportation under ORS 815.055 for child safety systems designed for chil-  
22 dren weighing 40 pounds or less[;].

23       [(b)] (c) Except as provided in subsection (3) of this section, a person who [*is at least four years*  
24 *of age and under six years of age or weighs between 40 and 60 pounds*] **weighs more than 40 pounds**  
25 **and who is four feet nine inches or shorter** must be properly secured with a child safety system  
26 that elevates the person so that a safety belt or safety harness properly fits the person. [*“Proper*  
27 *fit”*] **As used in this paragraph, “properly fits”** means the lap belt of the safety belt or safety  
28 harness is positioned low across the thighs and the shoulder belt is positioned over the collarbone  
29 and away from the neck. The child safety system shall meet the minimum standards and specifica-  
30 tions established by the Department of Transportation under ORS 815.055 for child safety systems  
31 designed for children [*weighing between 40 and 60 pounds; or*] **who are four feet nine inches or**  
32 **shorter.**

33       [(c)] (d) A person who is [*at least six years of age and weighs 60 pounds or more*] **taller than**  
34 **four feet nine inches** must be properly secured with a safety belt or safety harness that meets re-  
35 quirements under ORS 815.055.

36       (e) **Notwithstanding paragraphs (b) and (c) of this subsection, a person who is eight years**  
37 **of age or older need not be secured with a child safety system but must be properly secured**  
38 **with a safety belt or safety harness that meets requirements under ORS 815.055.**

39       (3) If the rear seat of a vehicle is not equipped with shoulder belts, the requirements of sub-  
40 section [(2)(b)] (2)(c) of this section do not apply provided the person is secured by a lap belt.

41       (4) The offense described in this section, failure to **properly** use safety belts, is a Class D traffic  
42 violation.

43       **SECTION 5.** ORS 811.215 is amended to read:

44       811.215. ORS 811.210 does not apply to:

45       (1) Privately owned commercial vehicles, as defined in ORS 801.210. The exemption in this sub-

1 section does not apply to any of the following:

2 (a) Vehicles commonly known as pickup trucks that have a combined weight of less than 10,000  
3 pounds.

4 (b) Motor carriers, as defined in ORS 825.005, when operating in interstate commerce.

5 (c) Vehicles designed and used for the transportation of 15 or fewer persons, including the  
6 driver, except that the operator of a vehicle described in this paragraph is not required to:

7 (A) Be properly secured with a safety belt or safety harness as required by ORS 811.210 if the  
8 operator is a taxicab operator; or

9 (B) Ensure that a passenger is properly secured with a child safety system as described in ORS  
10 811.210 (2)(a), **(b) or (c)** [*and (b)*].

11 (2) Any vehicle not required to be equipped with safety belts or safety harnesses at the time the  
12 vehicle was manufactured, unless safety belts or safety harnesses have been installed in the vehicle.

13 (3) Any vehicle exempted by ORS 815.080 from requirements to be equipped upon sale with  
14 safety belts or safety harnesses.

15 (4) Any person for whom a certificate is issued by the Department of Transportation under ORS  
16 811.220.

17 [(5) *Any person who is a passenger in a vehicle if all seating positions in the vehicle are occupied*  
18 *by other persons.*]

19 [(6)] **(5)** Any person who is being transported while in the custody of a police officer or any law  
20 enforcement agency.

21 [(7)] **(6)** Any person who is delivering newspapers or mail in the regular course of work.

22 [(8)] **(7)** Any person who is riding in an ambulance for the purpose of administering medical aid  
23 to another person in the ambulance, if being secured by a safety belt or safety harness would sub-  
24 stantially inhibit the administration of medical aid.

25 [(9)] **(8)** Any person who is reading utility meters in the regular course of work.

26 [(10)] **(9)** Any person who is employed to operate a vehicle owned by a mass transit district  
27 while the vehicle is being used for the transportation of passengers in the public transportation  
28 system of the district.

29 [(11)] **(10)** Any person who is collecting solid waste or recyclable materials in the regular course  
30 of work.

31 **SECTION 6. Section 3 of this 2007 Act and the amendments to ORS 811.210 and 811.215**  
32 **by sections 4 and 5 of this 2007 Act apply to violations occurring on or after the effective date**  
33 **of this 2007 Act.**

34 **SECTION 7. This 2007 Act being necessary for the immediate preservation of the public**  
35 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**  
36 **July 1, 2007.**

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