

Enrolled
Senate Bill 579

Sponsored by Senator METSGER; Senator DEVLIN

CHAPTER

AN ACT

Relating to motor vehicle safety; creating new provisions; and amending ORS 811.210.

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

SECTION 1. ORS 811.210 is amended to read:

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

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

(b) Is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child who is under 16 years of age and the child, while operating a Class I or Class II all-terrain vehicle that is not registered under ORS 803.420, is not properly secured with a safety belt or safety harness;

(c) Is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child who is under 16 years of age and the child, while operating a Class II all-terrain vehicle registered under ORS 803.420, is not properly secured with a safety belt or safety harness as required by subsection (2) of this section;

[(b)] **(d) Except as provided in paragraphs (e) and (f) of this subsection,** operates a motor vehicle on the highways of this state **or on premises open to the public** with a passenger who is under 16 years of age and the passenger is not properly secured with a child safety system, safety belt or safety harness as required by subsection (2) of this section;

(e) Is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child who is under 16 years of age and the child, while riding in or on a Class I or Class II all-terrain vehicle that is not registered under ORS 803.420, is not properly secured with a safety belt or safety harness;

(f) Is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child who is under 16 years of age and the child, while riding in or on a Class II all-terrain vehicle registered under ORS 803.420, is not properly secured with a safety belt or safety harness as required by subsection (2) of this section;

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

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

(2) To comply with this section:

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

(b) A person who weighs 40 pounds or less must be properly secured with a child safety system that meets the minimum standards and specifications established by the Department of Transportation under ORS 815.055 for child safety systems designed for children weighing 40 pounds or less.

(c) Except as provided in subsection (3) of this section, a person who weighs more than 40 pounds and who is four feet nine inches or shorter must be properly secured with a child safety system that elevates the person so that a safety belt or safety harness properly fits the person. As used in this paragraph, "properly fits" means the lap belt of the safety belt or safety harness is positioned low across the thighs and the shoulder belt is positioned over the collarbone and away from the neck. The child safety system shall meet the minimum standards and specifications established by the Department of Transportation under ORS 815.055 for child safety systems designed for children who are four feet nine inches or shorter.

(d) A person who is taller than four feet nine inches must be properly secured with a safety belt or safety harness that meets requirements under ORS 815.055.

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

(3) If the rear seat of a vehicle is not equipped with shoulder belts, the requirements of subsection (2)(c) of this section do not apply provided the person is secured by a lap belt.

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

SECTION 2. The amendments to ORS 811.210 by section 1 of this 2009 Act apply to offenses committed on or after the effective date of this 2009 Act.

Passed by Senate April 21, 2009

Received by Governor:

Repassed by Senate June 11, 2009

.....M.,....., 2009

Approved:

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Secretary of Senate

.....M.,....., 2009

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President of Senate

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Governor

Passed by House June 9, 2009

Filed in Office of Secretary of State:

.....M.,....., 2009

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Speaker of House

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Secretary of State