

# A-Engrossed

## Senate Bill 579

Ordered by the Senate April 15  
Including Senate Amendments dated April 15

Sponsored by Senator METSGER; Senator DEVLIN

### 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 operator of motor vehicle [*and certain passengers in motor vehicle to use*] **to secure passenger under 16 years of age with** child safety system, safety belt or safety harness when motor vehicle is operated on premises open to public.

**Requires parents and other persons responsible for safety and welfare of child who is under 16 years of age to secure child with safety system, safety belt or safety harness when child operates or is passenger in or on certain all-terrain vehicles and vehicle is operated on premises open to public.**

### 1 A BILL FOR AN ACT

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

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

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

5       811.210. (1) A person commits the offense of failure to properly use safety belts if the person:

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

8           (b) **Is the parent, legal guardian or person with legal responsibility for the safety and  
9           welfare of a child who is under 16 years of age and the child:**

10              (A)(i) **Is operating a Class I or Class II all-terrain vehicle equipped with both a lap and  
11           shoulder belt on premises open to the public; and**

12              (ii) **Is not properly secured with a child safety system, safety belt or safety harness as  
13           required by subsection (2) of this section; or**

14              (B)(i) **Is operating a Class I or Class II all-terrain vehicle that is not equipped with both  
15           a lap and shoulder belt on premises open to the public; and**

16              (ii) **Is not properly secured with a safety belt or safety harness that meets requirements  
17           under ORS 815.055;**

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

22              (d) **Is the parent, legal guardian or person with legal responsibility for the safety and  
23           welfare of a passenger who is under 16 years of age and the passenger:**

24              (A)(i) **Is riding in or on a Class I or Class II all-terrain vehicle equipped with both a lap  
25           and shoulder belt on premises open to the public; and**

**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       (ii) Is not properly secured with a child safety system, safety belt or safety harness as  
2 required by subsection (2) of this section; or

3       (B)(i) Is riding in or on a Class I or Class II all-terrain vehicle that is not equipped with  
4 both a lap and shoulder belt on premises open to the public; and

5       (ii) Is not properly secured with a safety belt or safety harness that meets requirements  
6 under ORS 815.055;

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

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

14      (2) To comply with this section:

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

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

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

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

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

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

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

37       **SECTION 2. The amendments to ORS 811.210 by section 1 of this 2009 Act apply to of-**  
38 **fenses committed on or after the effective date of this 2009 Act.**