

SENATE AMENDMENTS TO SENATE BILL 579

By COMMITTEE ON BUSINESS AND TRANSPORTATION

April 15

- 1 On page 1 of the printed bill, delete lines 4 through 31.
- 2 On page 2, delete lines 1 through 10 and insert:
- 3 **“SECTION 1.** ORS 811.210 is amended to read:
- 4 **“811.210. (1) A person commits the offense of failure to properly use safety belts if the person:**
- 5 **“(a) Operates a motor vehicle on the highways of this state and is not properly secured with a**
- 6 **safety belt or safety harness as required by subsection (2) of this section;**
- 7 **“(b) Is the parent, legal guardian or person with legal responsibility for the safety and**
- 8 **welfare of a child who is under 16 years of age and the child:**
- 9 **“(A)(i) Is operating a Class I or Class II all-terrain vehicle equipped with both a lap and**
- 10 **shoulder belt on premises open to the public; and**
- 11 **“(ii) Is not properly secured with a child safety system, safety belt or safety harness as**
- 12 **required by subsection (2) of this section; or**
- 13 **“(B)(i) Is operating a Class I or Class II all-terrain vehicle that is not equipped with both**
- 14 **a lap and shoulder belt on premises open to the public; and**
- 15 **“(ii) Is not properly secured with a safety belt or safety harness that meets requirements**
- 16 **under ORS 815.055;**
- 17 **“[(b)] (c) Except as provided in paragraph (d) of this subsection, operates a motor vehicle**
- 18 **on the highways of this state or on premises open to the public with a passenger who is under**
- 19 **16 years of age and the passenger is not properly secured with a child safety system, safety belt or**
- 20 **safety harness as required by subsection (2) of this section;**
- 21 **“(d) Is the parent, legal guardian or person with legal responsibility for the safety and**
- 22 **welfare of a passenger who is under 16 years of age and the passenger:**
- 23 **“(A)(i) Is riding in or on a Class I or Class II all-terrain vehicle equipped with both a lap**
- 24 **and shoulder belt on premises open to the public; and**
- 25 **“(ii) Is not properly secured with a child safety system, safety belt or safety harness as**
- 26 **required by subsection (2) of this section; or**
- 27 **“(B)(i) Is riding in or on a Class I or Class II all-terrain vehicle that is not equipped with**
- 28 **both a lap and shoulder belt on premises open to the public; and**
- 29 **“(ii) Is not properly secured with a safety belt or safety harness that meets requirements**
- 30 **under ORS 815.055;**
- 31 **“[(c)] (e) Is a passenger in a privately owned commercial vehicle, as defined in ORS 801.210, that**
- 32 **is designed and used for the transportation of 15 or fewer persons, including the driver, and the**
- 33 **person is 16 years of age or older and is responsible for another passenger who is not properly se-**
- 34 **cured with a child safety system as required under subsection (2)(a), (b) or (c) of this section; or**
- 35 **“[(d)] (f) Is a passenger in a motor vehicle being operated on the highways of this state who**

1 is 16 years of age or older and who is not properly secured with a safety belt or safety harness as
2 required by subsection (2) of this section.

3 “(2) To comply with this section:

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

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

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

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

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

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

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

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