

Enrolled
House Bill 3590

Sponsored by Representative BOONE; Representative HOLVEY

CHAPTER

AN ACT

Relating to child safety in motor vehicles; creating new provisions; and amending ORS 811.210.

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

SECTION 1. ORS 811.210, as amended by section 10, chapter 30, Oregon Laws 2010, is amended to read:

811.210. (1)(a) Except as provided in ORS 811.215, 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 on public lands 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 on public lands 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.

(D) Operates a motor vehicle on the highways of this state 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 on public lands 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 on public lands 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.

(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.

(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.

(b) As used in this subsection, “public lands” includes privately owned land that is open to the general public for the use of all-terrain vehicles as the result of funding from the All-Terrain Vehicle Account under ORS 390.560.

(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.]

(3) The requirements of subsection (2)(c) of this section do not apply:

(a) If the rear seat of a vehicle is not equipped with shoulder belts, provided the person is secured by a lap belt; or

(b) If the child is properly secured with a child safety system that meets the minimum standards and specifications established by the department under ORS 815.055 for child safety systems designed for children weighing more than 40 pounds.

(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 2011 Act apply to offenses committed on or after the effective date of this 2011 Act.

Passed by House April 27, 2011

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Passed by Senate May 24, 2011

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2011

Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

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Kate Brown, Secretary of State