

# House Bill 3590

Sponsored by Representative BOONE

## 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 **as introduced**.

Permits child who weighs more than 40 pounds to use child safety system designed for children weighing 40 pounds or more or to use booster seat.

## A BILL FOR AN ACT

1  
2 Relating to child safety in motor vehicles; 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, as amended by section 10, chapter 30, Oregon Laws 2010, is amended  
5 to read:

6 811.210. (1)(a) Except as provided in ORS 811.215, a person commits the offense of failure to  
7 properly use safety belts if the person:

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

10 (B) Is the parent, legal guardian or person with legal responsibility for the safety and welfare  
11 of a child who is under 16 years of age and the child, while operating on public lands a Class I or  
12 Class II all-terrain vehicle that is not registered under ORS 803.420, is not properly secured with a  
13 safety belt or safety harness.

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

18 (D) Operates a motor vehicle on the highways of this state with a passenger who is under 16  
19 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 (E) Is the parent, legal guardian or person with legal responsibility for the safety and welfare  
22 of a child who is under 16 years of age and the child, while riding on public lands in or on a Class  
23 I or Class II all-terrain vehicle that is not registered under ORS 803.420, is not properly secured  
24 with a safety belt or safety harness.

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

29 (G) Is a passenger in a privately owned commercial vehicle, as defined in ORS 801.210, that is  
30 designed and used for the transportation of 15 or fewer persons, including the driver, and the person  
31 is 16 years of age or older and is responsible for another passenger who is not properly secured with

**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 a child safety system as required under subsection (2)(a), (b) or (c) of this section.

2 (H) Is a passenger in a motor vehicle being operated on the highways of this state who is 16  
 3 years of age or older and who is not properly secured with a safety belt or safety harness as re-  
 4 quired by subsection (2) of this section.

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

8 (2) To comply with this section:

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

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

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

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

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

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

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

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

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

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 2011 Act apply to of-**  
 38 **fenses committed on or after the effective date of this 2011 Act.**

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