

A-Engrossed
House Bill 3404

Ordered by the House April 3
Including House Amendments dated April 3

Sponsored by Representatives MALSTROM, HUFFMAN, HACK, PILUSO; Representatives KENY-GUYER, LIVELY,
Senators GIROD, KNOPP, MONNES ANDERSON

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 children under two years of age to be properly secured in car seat in rear-facing position.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to child safety systems; creating new provisions; amending ORS 811.210; and declaring an
3 emergency.

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

5 **SECTION 1.** ORS 811.210 is amended 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,
12 Class II or Class IV all-terrain vehicle that is not registered under ORS 803.420, is not properly
13 secured with a 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, Class II or Class IV all-terrain vehicle that is not registered under ORS 803.420, is not properly
24 secured 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

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 safety harness as required by subsection (2) of this section.

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

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

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

12 (2) To comply with this section:

13 (a) A person who is under [*one year*] **two years** of age[, *regardless of weight, or a person who*
14 *weighs 20 pounds or less*] must be properly secured with a child safety system in a rear-facing po-
15 sition.

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

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

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

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

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

33 (a) If the rear seat of a vehicle is not equipped with shoulder belts, provided the person is se-
34 cured by a lap belt; or

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

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

40 **SECTION 2. The amendments to ORS 811.210 by section 1 of this 2017 Act:**

41 **(1) Except as provided in subsection (2) of this section, apply to conduct occurring on or**
42 **after the effective date of this 2017 Act.**

43 **(2) Do not apply to a person who is one year of age or older immediately before the ef-**
44 **fective date of this 2017 Act. A person who is one year of age or older immediately before**
45 **the effective date of this 2017 Act shall continue to be governed by the law applicable to child**

1 safety systems in effect immediately before the effective date of this 2017 Act.

2 **SECTION 3.** This 2017 Act being necessary for the immediate preservation of the public
3 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
4 on its passage.

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