

Senate Bill 942

Sponsored by Senator HEARD, Representatives HERNANDEZ, LEIF; Senator RILEY, Representatives EVANS, SMITH DB

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**.

Eliminates requirement that children under two years of age be secured in car seat that is rear-facing.

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 811.215; and
3 declaring an 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
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

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 is 16 years of age or older and is responsible for another passenger who is not properly secured with
 2 a child safety system as required under subsection (2)(a), (b) or (c) of this section.

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

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

9 (2) To comply with this section:

10 [(a) A person who is under two years of age must be properly secured with a child safety system
 11 in a rear-facing position.]

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

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

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

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

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

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

32 (b) If the child is properly secured with a child safety system that meets the minimum standards
 33 and specifications established by the department under ORS 815.055 for child safety systems de-
 34 signed 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.** ORS 811.215, as amended by section 37, chapter 93, Oregon Laws 2018, is amended
 38 to read:

39 811.215. ORS 811.210 does not apply to:

40 (1) Privately owned commercial vehicles that are being used for the transportation of persons
 41 for compensation or profit. The exemption in this subsection does not apply to any of the following:

42 (a) Motor carriers, as defined in ORS 825.005, when operating in interstate commerce.

43 (b) Vehicles designed and used for the transportation of 15 or fewer persons, including the
 44 driver, except that the operator of a vehicle described in this paragraph is not required to:

45 (A) Be properly secured with a safety belt or safety harness as required by ORS 811.210 if the

1 operator is a taxicab operator; or

2 (B) Ensure that a passenger is properly secured with a child safety system as described in ORS
3 811.210 [(2)(a), (b) or (c)] **(2)(a) or (b)**.

4 (2) Any vehicle not required to be equipped with safety belts or safety harnesses at the time the
5 vehicle was manufactured, unless safety belts or safety harnesses have been installed in the vehicle.

6 (3) Any vehicle exempted by ORS 815.080 from requirements to be equipped upon sale with
7 safety belts or safety harnesses.

8 (4) Any person for whom a certificate is issued by the Department of Transportation under ORS
9 811.220.

10 (5) Any person who is a passenger in a vehicle if all seating positions in the vehicle are occu-
11 pied by other persons.

12 (6) Any person who is being transported while in the custody of a police officer or any law
13 enforcement agency.

14 (7) Any person who is delivering newspapers or mail in the regular course of work.

15 (8) Any person who is riding in an ambulance for the purpose of administering medical aid to
16 another person in the ambulance, if being secured by a safety belt or safety harness would sub-
17 stantially inhibit the administration of medical aid.

18 (9) Any person who is reading utility meters in the regular course of work.

19 (10) Any person who is employed to operate a vehicle owned by a mass transit district while the
20 vehicle is being used for the transportation of passengers in the public transportation system of the
21 district.

22 (11) Any person who is collecting solid waste or recyclable materials in the regular course of
23 work.

24 (12) Any person who is employed to operate a vehicle owned by a tribal government public
25 transportation system while the vehicle is being used for the transportation of passengers in the
26 public transportation system of the tribal government.

27 **SECTION 3. The amendments to ORS 811.210 and 811.215 by sections 1 and 2 of this 2019
28 Act apply to conduct occurring on or after the effective date of this 2019 Act.**

29 **SECTION 4. This 2019 Act being necessary for the immediate preservation of the public
30 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
31 on its passage.**

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