
HOUSE BILL No. 1150

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2; IC 9-19.

Synopsis: Child restraints in motor vehicles. Requires a person who operates a motor vehicle with a child passenger under the age of eight to restrain the child by a child restraint system or booster seat or, in certain circumstances, a safety belt. Requires a person who operates a passenger motor vehicle with a child passenger who is at least eight but less than twelve years of age to restrain the child by a child restraint system, a child booster seat, or a safety belt. Deletes the exception that a person who operates a vehicle registered in a jurisdiction other than Indiana is not required to utilize a child restraint system unless the vehicle is operated in Indiana for more than 60 days in any calendar year, and requires children of certain ages to be restrained in a certain manner when a vehicle not registered in Indiana is operated in the state. Repeals provision concerning child restraint systems and safety belt usage by children at least four but less than 12 years of age. Corrects a cross-reference to a statute repealed by this act and removes conflicting language in the safety belt statute that was declared invalid by the Indiana supreme court. Makes conforming changes.

Effective: July 1, 2002.

Welch, Cook, Atterholt, Crawford

January 9, 2002, read first time and referred to Committee on Rules and Legislative Procedures.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

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HOUSE BILL No. 1150



A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-13-2-22.5 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2002]: **Sec. 22.5. "Child booster seat" means:**
- 4 (1) **a backless child restraint system; or**
- 5 (2) **a belt positioning seat;**
- 6 **that meets the standards prescribed in 49 CFR 571.213.**
- 7 SECTION 2. IC 9-13-2-23 IS AMENDED TO READ AS
- 8 FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 23. "Child passenger**
- 9 **restraint system" means a device that:**
- 10 (1) is manufactured for the purpose of protecting children from
- 11 injury during a motor vehicle accident; and
- 12 (2) meets the standards prescribed **and definition contained in**
- 13 **49 CFR 571.213.**
- 14 SECTION 3. IC 9-19-10-1 IS AMENDED TO READ AS
- 15 FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 1. This chapter does not**
- 16 **apply to a front seat occupant who meets any of the following**
- 17 **conditions:**



- 1 (1) For medical reasons should not wear safety belts.
 2 (2) Is a child required to be restrained by a child ~~passenger~~
 3 restraint system **or a child booster seat** under IC 9-19-11.
 4 (3) Is traveling in a commercial or a United States Postal Service
 5 vehicle that makes frequent stops for the purpose of pickup or
 6 delivery of goods or services.
 7 (4) Is a rural carrier of the United States Postal Service and is
 8 operating a vehicle while serving a rural postal route.
 9 (5) Is a newspaper motor route carrier or newspaper bundle hauler
 10 who stops to make deliveries from a vehicle.
 11 (6) Is a driver examiner designated and appointed under
 12 IC 9-14-2-3 and is conducting an examination of an applicant for
 13 a permit or license under IC 9-24-10.

14 SECTION 4. IC 9-19-10-3, AS AMENDED BY P.L.57-1998, SEC.
 15 2, AND P.L.116-1998, SEC. 2, IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. *(a) Except as*
 17 *provided in subsection (b), a person may not be stopped, inspected, or*
 18 *detained solely to determine compliance with this chapter.*

19 *(b) Subsection (a) does not apply to a stop, an inspection, or a*
 20 *detention of a person to determine compliance with section 2.5 of this*
 21 *chapter.*

22 *A vehicle may be stopped to determine compliance with this*
 23 *chapter. However, a vehicle, the contents of a vehicle, the driver of a*
 24 *vehicle, or a passenger in a vehicle may not be inspected, searched, or*
 25 *detained solely because of a violation of this chapter.*

26 SECTION 5. IC 9-19-11-1 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. This chapter does not
 28 apply to a person who operates any of the following vehicles:

- 29 (1) A school bus.
 30 (2) A taxicab.
 31 (3) A rental vehicle leased for not more than thirty (30) days.
 32 (4) An ambulance.
 33 ~~(5) A vehicle registered in a jurisdiction other than Indiana unless~~
 34 ~~the vehicle is operated in Indiana for more than sixty (60) days in~~
 35 ~~any calendar year.~~
 36 ~~(6) (5) public passenger bus.~~
 37 ~~(7) (6) A motor vehicle having a seating capacity greater than~~
 38 ~~nine (9) individuals that is owned or leased and operated by a~~
 39 ~~religious or not-for-profit youth organization.~~
 40 ~~(8) (7) An antique motor vehicle.~~
 41 ~~(9) (8) A motorcycle.~~
 42 ~~(10) (9) A motor vehicle that is owned or leased by a~~

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- 1 governmental unit and is being used in the performance of official
 2 law enforcement duties.
- 3 ~~(H)~~ **(10)** A motor vehicle that is being used in an emergency.
- 4 SECTION 6. IC 9-19-11-2 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. A person who:
 6 **(1) holds an Indiana driver's license; and**
 7 **(2) operates a motor vehicle in which there is a child less than**
 8 **four (4) years of age who is not properly fastened and restrained**
 9 **according to the manufacturer's instructions** by a child
 10 **passenger** restraint system;
 11 commits a Class D infraction, unless it is reasonably determined that
 12 the child will not fit in a child **passenger** restraint system.
- 13 SECTION 7. IC 9-19-11-3 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. A person who **holds**
 15 **an Indiana driver's license and** operates a motor vehicle in which
 16 there is a child commits a Class D infraction if:
 17 (1) the child is less than four (4) years of age and it is reasonably
 18 determined that the child will not fit in a child restraint system;
 19 and
 20 (2) the child is not properly fastened and restrained **according to**
 21 **the manufacturer's instructions** by a:
 22 **(A) child booster seat; or**
 23 **(B) safety belt.**
- 24 SECTION 8. IC 9-19-11-3.1 IS ADDED TO THE INDIANA CODE
 25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 26 1, 2002]: Sec. 3.1. A person who **holds an Indiana driver's license**
 27 **and operates a motor vehicle in which there is a child commits a**
 28 **Class D infraction if:**
 29 **(1) the child is at least four (4) years of age but less than eight**
 30 **(8) years of age; and**
 31 **(2) the child is not properly fastened and restrained according**
 32 **to the manufacturer's instructions by:**
 33 **(A) a child restraint system; or**
 34 **(B) a child booster seat;**
 35 **unless it is reasonably determined that the child will not fit in a**
 36 **child restraint system or a child booster seat.**
- 37 SECTION 9. IC 9-19-11-3.2 IS ADDED TO THE INDIANA CODE
 38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 39 1, 2002]: Sec. 3.2. A person who **holds an Indiana driver's license**
 40 **and operates a motor vehicle in which there is a child commits a**
 41 **Class D infraction if:**
 42 **(1) the child is at least four (4) years of age but less than eight**

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- 1 **(8) years of age;**
 2 **(2) it is reasonably determined that the child will not fit in a**
 3 **child restraint system or a child booster seat; and**
 4 **(3) the child is not properly fastened and restrained according**
 5 **to the manufacturer's instructions by a safety belt.**

6 SECTION 10. IC 9-19-11-3.3 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2002]: **Sec. 3.3. (a) This section does not**
 9 **apply to a person who holds an Indiana driver's license.**

10 **(b) A person who operates a motor vehicle in which there is a**
 11 **child less than eight (8) years of age who is not properly fastened**
 12 **and restrained according to the manufacturer's instructions by a:**

- 13 **(1) child restraint system;**
 14 **(2) child booster seat; or**
 15 **(3) safety belt;**

16 **commits a Class D infraction.**

17 SECTION 11. IC 9-19-11-3.7 IS ADDED TO THE INDIANA
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2002]: **Sec. 3.7. A person who operates a**
 20 **passenger motor vehicle in which there is a child and that is**
 21 **equipped with a safety belt meeting the standards stated in the**
 22 **Federal Motor Vehicle Safety Standard Number 208 (49 CFR**
 23 **571.208) commits a Class D infraction if:**

- 24 **(1) the child is at least eight (8) years of age but less than**
 25 **twelve (12) years of age; and**
 26 **(2) the child is not properly fastened and restrained according**
 27 **to the manufacturer's instructions by:**
 28 **(A) a child restraint system;**
 29 **(B) a child booster seat; or**
 30 **(C) a safety belt.**

31 SECTION 12. IC 9-19-11-5 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 5. If at a proceeding to**
 33 **enforce:**

- 34 **(1) section 2 of this chapter, the court finds that the person**
 35 **(+) has violated this chapter and**
 36 **(-) possesses or has acquired a child passenger restraint system;**
 37 **or**
 38 **(2) section 3.1 of this chapter, the court finds that the person**
 39 **has violated this chapter and possesses or has acquired a child**
 40 **restraint system or a child booster seat;**

41 the court shall enter judgment against the person. However,
 42 notwithstanding IC 34-28-5-4, the person is not liable for any costs or

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1 monetary judgment if the person has no previous judgments of
 2 violation of this chapter against the person.

3 SECTION 13. IC 9-19-11-6 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) If, at a
 5 proceeding to enforce section 2 of this chapter, the court finds that the
 6 person:

7 (1) has violated this chapter; and

8 (2) does not possess or has not acquired a child ~~passenger~~
 9 restraint system;

10 the court shall enter judgment against the person and shall order the
 11 person to provide proof of possession or acquisition within thirty (30)
 12 days.

13 **(b) If, at a proceeding to enforce section 3.1 of this chapter, the**
 14 **court finds that the person:**

15 **(1) has violated this chapter; and**

16 **(2) does not possess or has not acquired a child restraint**
 17 **system or a child booster seat;**

18 **the court shall enter judgment against the person and shall order**
 19 **the person to provide within thirty (30) days proof of possession or**
 20 **acquisition of a child restraint system or a child booster system.**

21 (c) Notwithstanding IC 34-28-5-4, if the person:

22 (1) complies with a court order under this section; and

23 (2) has no previous judgments of violation of this chapter against
 24 the person;

25 the person is not liable for any costs or a monetary judgment.

26 SECTION 14. IC 9-19-10-2.5 IS REPEALED [EFFECTIVE JULY
 27 1, 2002].

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