

A-Engrossed
Senate Bill 367

Ordered by the Senate March 7
Including Senate Amendments dated March 7

Sponsored by Senator METSGER, Representative BROWN

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 drivers and passengers in privately owned commercial vehicles designed and used to transport 15 or fewer persons to use safety belts. [*Exempts vehicles from requirement of having child safety systems.*] **Exempts taxicab operators from requirement. Places liability on passengers for failure to ensure proper use of child safety systems.**

A BILL FOR AN ACT

1
2 Relating to use of safety belts; creating new provisions; and amending ORS 811.210 and 811.215.

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

4 **SECTION 1.** ORS 811.215 is amended to read:

5 811.215. ORS 811.210 does not apply to:

6 (1) Privately owned commercial vehicles, as defined in ORS 801.210. The exemption in this sub-
7 section does not apply to **any of the following:**

8 (a) Vehicles commonly known as pickup trucks that have a combined weight of less than 8,000
9 pounds. [*or to*]

10 (b) Motor carriers, as defined in ORS 825.005, when operating in interstate commerce.

11 (c) **Vehicles designed and used for the transportation of 15 or fewer persons, including**
12 **the driver, except that the operator of a vehicle described in this paragraph is not required**
13 **to:**

14 (A) **Be properly secured with a safety belt or safety harness as required by ORS 811.210**
15 **if the operator is a taxicab operator; or**

16 (B) **Ensure that a passenger is properly secured with a child safety system as described**
17 **in ORS 811.210 (2)(a) and (b).**

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

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

22 (4) Any person for whom a certificate is issued by the Department of Transportation under ORS
23 811.220.

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

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

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

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

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

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

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

11 **SECTION 2.** ORS 811.210 is amended to read:

12 811.210. (1) A person commits the offense of failure to use safety belts if the person:

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

15 (b) Operates a motor vehicle on the highways of this state with a passenger who is under 16
16 years of age and the passenger is not properly secured with a child safety system, safety belt, or
17 safety harness as required by subsection (2) of this section; [or]

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

23 [(c)] (d) Is a passenger in a motor vehicle on the highways of this state who is 16 years of age
24 or older and who is not properly secured with a safety belt or safety harness as required by sub-
25 section (2) of this section.

26 (2) To comply with this section:

27 (a) A person who is under four years of age and weighs 40 pounds or less must be properly se-
28 cured with a child safety system that meets the minimum standards and specifications established
29 by the Department of Transportation under ORS 815.055 for child safety systems designed for chil-
30 dren weighing 40 pounds or less;

31 (b) Except as provided in subsection (3) of this section, a person who is at least four years of
32 age and under six years of age or weighs between 40 and 60 pounds must be properly secured with
33 a child safety system that elevates the person so that a safety belt or safety harness properly fits
34 the person. "Proper fit" means the lap belt of the safety belt or safety harness is positioned low
35 across the thighs and the shoulder belt is positioned over the collarbone and away from the neck.
36 The child safety system shall meet the minimum standards and specifications established by the
37 Department of Transportation under ORS 815.055 for child safety systems designed for children
38 weighing between 40 and 60 pounds; or

39 (c) A person who is at least six years of age and weighs 60 pounds or more must be properly
40 secured with a safety belt or safety harness that meets requirements under ORS 815.055.

41 (3) If the rear seat of a vehicle is not equipped with shoulder belts, the requirements of sub-
42 section (2)(b) of this section do not apply provided the person is secured by a lap belt.

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

44 **SECTION 3. The amendments to ORS 811.210 and 811.215 by sections 1 and 2 of this 2005**
45 **Act apply only to offenses of failure to use safety belts under ORS 811.210 that are committed**

1 **on or after the effective date of this 2005 Act.**

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