

Enrolled
Senate Bill 367

Sponsored by Senator METSGER, Representative BROWN; Representative DALTO

CHAPTER

AN ACT

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

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

SECTION 1. ORS 811.215 is amended to read:

811.215. ORS 811.210 does not apply to:

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

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

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

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

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

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

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

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

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

(5) Any person who is a passenger in a vehicle if all seating positions in the vehicle are occupied by other persons.

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

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

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

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

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

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

SECTION 2. ORS 811.210 is amended to read:

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

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

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

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

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

(2) To comply with this section:

(a) A person who is under four years of age and weighs 40 pounds or less must be properly secured with a child safety system that meets the minimum standards and specifications established by the Department of Transportation under ORS 815.055 for child safety systems designed for children weighing 40 pounds or less;

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

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

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

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

SECTION 3. The amendments to ORS 811.210 and 811.215 by sections 1 and 2 of this 2005 Act apply only to offenses of failure to use safety belts under ORS 811.210 that are committed on or after the effective date of this 2005 Act.

Passed by Senate March 9, 2005

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Secretary of Senate

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President of Senate

Passed by House June 1, 2005

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Speaker of House

Received by Governor:

.....M,....., 2005

Approved:

.....M,....., 2005

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Governor

Filed in Office of Secretary of State:

.....M,....., 2005

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Secretary of State