

February 13, 1998

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## ENGROSSED HOUSE BILL No. 1036

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DIGEST OF HB 1036 (Updated February 11, 1998 6:27 pm - DI 76)

**Citations Affected:** IC 9-19.

**Synopsis:** Safety measures and passenger restraint systems. Makes it is a Class D infraction to operate a passenger motor vehicle that is equipped with a safety belt meeting certain standards and in which there is a child who is at least four years of age but less than twelve years of age who is not properly fastened and restrained by a child passenger restraint system or a safety belt. Provides that a person must be at least 16 years of age to be charged with a Class D infraction for failure to wear a safety belt in the front seat of a passenger automobile.  
(Continued next page)

**Effective:** July 1, 1998.

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**Kruzan, Kruse, Becker, Gulling,  
Hasler, Ruppel**

(SENATE SPONSORS — MEEKS, SIMPSON)

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January 6, 1998, read first time and referred to Committee on Public Safety.  
January 14, 1998, reported — Do Pass.  
January 21, 1998, read second time, amended, ordered engrossed.  
January 22, 1998, engrossed. Read third time, recommittee to a Committee of One, amended; passed. Yeas 88, nays 10. Engrossed.

SENATE ACTION

January 30, 1998, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.  
February 12, 1998, amended, reported favorably — Do Pass.

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EH 1036—LS 6012/DI 71+



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Digest Continued

Makes it a Class D infraction for a person to operate a motor vehicle in which there is a child less than four years of age (under current law, three years of age) who is not properly fastened into a child passenger restraint system, unless it is determined that the child will not fit in a child passenger restraint system and the child who will not fit in the restraint system is not properly fastened or restrained by a seat belt. Provides that a vehicle may be stopped to determine compliance with the law concerning passenger restraint systems. Specifies that a vehicle, the contents of a vehicle, the driver of a vehicle, or a passenger in a vehicle may not be inspected, searched, or detained solely because of a violation of the law concerning passenger restraint systems.

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February 13, 1998

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

## ENGROSSED HOUSE BILL No. 1036

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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 9-19-10-2.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 1998]: **Sec. 2.5. A person who operates a passenger motor vehicle**  
4 **that is equipped with a safety belt meeting the standards stated in**  
5 **the Federal Motor Vehicle Safety Standard Number 208 (49 CFR**  
6 **571.208) in which there is a child commits a Class D infraction if:**  
7 (1) **the child is at least four (4) years of age but less than**  
8 **twelve (12) years of age; and**  
9 (2) **the child is not properly fastened and restrained by:**  
10 (A) **a child passenger restraint system; or**  
11 (B) **a safety belt.**  
12 SECTION 2. IC 9-19-10-3 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 3. A vehicle may be**  
14 **stopped to determine compliance with this chapter. However, a**  
15 **person vehicle, the contents of a vehicle, the driver of a vehicle, or**  
16 **a passenger in a vehicle may not be stopped, inspected, searched, or**

EH 1036—LS 6012/DI 71+



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1 detained solely to determine compliance with because of a violation  
2 of this chapter.

3 SECTION 3. IC 9-19-10-8 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 8. (a) A person who:

5 **(1) is at least sixteen (16) years of age; and**

6 **(2) violates section 2 of this chapter;**

7 commits a Class D infraction.

8 (b) The bureau may not assess points under the point system for  
9 Class D infractions under this section.

10 SECTION 4. IC 9-19-11-2 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. A person who

12 operates a motor vehicle in which there is a child less than ~~three (3)~~

13 **four (4) years of age who is not properly fastened and restrained by a**

14 **child passenger restraint system commits a ~~Class E~~ Class D infraction,**

15 **unless it is reasonably determined that the child will not fit in a**

16 **child passenger restraint system.**

17 SECTION 5. IC 9-19-11-3 IS AMENDED TO READ AS  
18 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. A person who

19 operates a motor vehicle in which there is a child ~~who is three (3) or~~

20 ~~four (4) years of age who is not properly fastened and restrained by:~~

21 ~~(1) a child passenger restraint system; or~~

22 ~~(2) a seat belt;~~

23 ~~commits a Class E infraction; commits a Class D infraction if:~~

24 **(1) the child is less than four (4) years of age and it is**

25 **reasonably determined that the child will not fit in a child**

26 **restraint system; and**

27 **(2) the child is not properly fastened and restrained by a seat**

28 **belt.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety, to which was referred House Bill 1036, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

L. LUTZ, Chair

Committee Vote: yeas 11, nays 0.

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## HOUSE MOTION

Mr. Speaker: I move that House Bill 1036 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-19-10-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 2.5. A person who operates a passenger motor vehicle that is equipped with a safety belt meeting the standards stated in the Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) in which there is a child commits a Class C infraction if:**

- (1) the child is at least four (4) years of age but less than twelve (12) years of age; and
- (2) the child is not properly fastened and restrained by:
  - (A) a child passenger restraint system; or
  - (B) a safety belt."

Page 2, line 5, delete ":".

Page 2, delete lines 6 through 7.

Page 2, line 8, delete "(B)".

Page 2, run in lines 5 through 10.

Page 2, line 11, delete ":".

Page 2, delete line 12.

Page 2, line 13, delete "(B)".

Page 2, run in lines 11 through 13.

Renumber all SECTIONS consecutively.

(Reference is to House Bill 1036 as printed January 15, 1998.)

KRUZAN

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 HOUSE MOTION

Mr. Speaker: I move that House Bill 1036 be amended to read as follows:

Page 1, line 12, delete "Class C" and insert "**Class D**".

Page 2, line 4, delete "Class C" and insert "**Class D**".

(Reference is to House Bill 1036 as printed January 15, 1998.)

TINCHER

EH 1036—LS 6012/DI 71+



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HOUSE MOTION

Mr. Speaker: I move that House Bill 1036 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 1, line 6, delete "Class C" and insert "Class D".

(Reference is to House Bill 1036 as reprinted January 22, 1998.)

KRUZAN

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COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred House Bill 1036, begs leave to report that said bill has been amended as directed.

KRUZAN

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred House Bill 1036, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the amendment made on motion of Representative Kruzan adopted January 22, 1998.

Page 1, line 6, delete "Class C" and insert "**Class D**".

Page 1, between lines 11 and 12, begin a new paragraph and insert: "SECTION 2. IC 9-19-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. **A vehicle may be stopped to determine compliance with this chapter. However, a person vehicle, the contents of a vehicle, the driver of a vehicle, or a passenger in a vehicle** may not be ~~stopped~~, inspected, searched, or detained solely to determine compliance with **because of a violation of this chapter.**".

Page 2, line 6, after "a" insert "~~Class E~~".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to House Bill 1036 as reprinted January 22, 1998, and as amended on motion of Representative Kruzan, adopted January 22, 1998.)

MEEKS, Chairperson

Committee Vote: Yeas 6, Nays 5.

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