
HOUSE BILL No. 1168

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-19-11.

Synopsis: Passenger restraint systems for children. Makes it a Class D felony for a person to operate a motor vehicle in which there is a child less than eight years of age who is not properly restrained if the motor vehicle is involved in an accident that causes serious bodily injury to the child. Raises the offense to a Class C felony if the accident results in the death of the child. Makes conforming amendments.

Effective: July 1, 2011.

Kersey

January 10, 2011, read first time and referred to Committee on Roads and Transportation.

C
O
P
Y



First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

C
O
P
Y

HOUSE BILL No. 1168



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 9-19-11-2, AS AMENDED BY P.L.146-2009,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 2. (a) **Except as provided in subsection (b)**, a
4 person who operates a motor vehicle in which there is a child less than
5 eight (8) years of age who is not properly fastened and restrained
6 according to the child restraint system manufacturer's instructions by
7 a child restraint system commits a Class D infraction. A person may not
8 be found to have violated this subsection if the person carries a
9 certificate from a physician, physician's assistant, or advanced practice
10 nurse stating that it would be impractical to require that a child be
11 fastened and restrained by a child restraint system because of:
12 (1) a physical condition, including physical deformity; or
13 (2) a medical condition;
14 of the child and presents the certificate to the police officer or the court.
15 **(b) A person who knowingly or intentionally operates a motor**
16 **vehicle in which there is a child less than eight (8) years of age who**
17 **is not properly fastened and restrained in a restraint system**



1 according to the child restraint system manufacturer's instructions
 2 commits a Class D felony if the motor vehicle is involved in an
 3 accident that results in serious bodily injury to the child. However,
 4 the offense is a Class C felony if the accident results in the death of
 5 the child.

6 ~~(b)~~ (c) This subsection does not apply to a person charged with
 7 a crime under subsection (b). Notwithstanding IC 34-28-5-5(c), funds
 8 collected as judgments for violations under this section shall be
 9 deposited in the child restraint system account established by section
 10 9 of this chapter.

11 (d) It is a defense to a prosecution under subsection (b) that a
 12 physician, physician's assistant, or advanced practice nurse
 13 certified that it would be impractical to require that the child be
 14 fastened and restrained in a child restraint system because of:

- 15 (1) a physical condition, including physical deformity; or
 16 (2) a medical condition;

17 of the child.

18 SECTION 2. IC 9-19-11-5 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. If at a civil
 20 proceeding to enforce section 2 of this chapter the court finds that the
 21 person:

- 22 (1) has violated this chapter; and
 23 (2) possesses or has acquired a child restraint system;

24 the court shall enter judgment against the person. However,
 25 notwithstanding IC 34-28-5-4, the person is not liable for any costs or
 26 monetary judgment if the person has no previous judgments of
 27 violation of this chapter against the person.

28 SECTION 3. IC 9-19-11-6 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) If at a civil
 30 proceeding to enforce section 2 of this chapter the court finds that the
 31 person:

- 32 (1) has violated this chapter; and
 33 (2) does not possess or has not acquired a child restraint system;

34 the court shall enter judgment against the person and shall order the
 35 person to provide proof of possession or acquisition within thirty (30)
 36 days.

37 (b) Notwithstanding IC 34-28-5-4, if the person:

- 38 (1) complies with a court order under this section; and
 39 (2) has no previous judgments of violation of this chapter against
 40 the person;

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

C
o
p
y

