

IC 9-19-11

Chapter 11. Passenger Restraint Systems for Children

IC 9-19-11-1

Application of chapter

Sec. 1. This chapter does not apply to a person who operates any of the following vehicles:

- (1) A school bus.
- (2) A taxicab.
- (3) An ambulance.
- (4) A public passenger bus.
- (5) A motor vehicle having a seating capacity greater than nine (9) individuals that is owned or leased and operated by a religious or not-for-profit youth organization.
- (6) An antique motor vehicle.
- (7) A motorcycle.
- (8) A motor vehicle that is owned or leased by a governmental unit and is being used in the performance of official law enforcement duties.
- (9) A motor vehicle that is being used in an emergency.
- (10) A motor vehicle that is funeral equipment used in the operation of funeral services when used in:
 - (A) a funeral procession;
 - (B) the return trip to a funeral home (as defined in IC 25-15-2-15); or
 - (C) both the funeral procession and return trip.

As added by P.L.2-1991, SEC.7. Amended by P.L.67-2004, SEC.3; P.L.24-2006, SEC.3.

IC 9-19-11-2

Child less than eight years of age; child restraint system; penalty; medical exceptions; child restraint system account

Sec. 2. (a) A person who operates a motor vehicle in which there is a child less than eight (8) years of age who is not properly fastened and restrained according to the child restraint system manufacturer's instructions by a child restraint system commits a Class D infraction. A person may not be found to have violated this subsection if the person carries a certificate from a physician, physician's assistant, or advanced practice nurse stating that it would be impractical to require that a child be fastened and restrained by a child restraint system because of:

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

of the child and presents the certificate to the police officer or the court.

(b) Notwithstanding IC 34-28-5-5(c), funds collected as judgments for violations under this section shall be deposited in the child restraint system account established by section 9 of this chapter.

As added by P.L.2-1991, SEC.7. Amended by P.L.57-1998, SEC.4; P.L.116-1998, SEC.4; P.L.67-2004, SEC.4; P.L.2-2005, SEC.33;

P.L.146-2009, SEC.3.

IC 9-19-11-3

Repealed

(Repealed by P.L.146-2009, SEC.7.)

IC 9-19-11-3.3

Repealed

(Repealed by P.L.146-2009, SEC.7.)

IC 9-19-11-3.6

Safety belt standards; child between eight and 16 years of age; child restraint system or safety belt

Sec. 3.6. (a) A person who operates a motor vehicle in which there is a child and that is equipped with a safety belt meeting the standards stated in the Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) commits a Class D infraction if:

- (1) the child is at least eight (8) years of age but less than sixteen (16) years of age; and
- (2) the child is not properly fastened and restrained according to the child restraint system manufacturer's instructions by a:
 - (A) child restraint system; or
 - (B) safety belt.

(b) Notwithstanding IC 34-28-5-5(c), funds collected as judgments for violations under this section shall be deposited in the child restraint system account established by section 9 of this chapter.

As added by P.L.67-2004, SEC.7.

IC 9-19-11-3.7

Exception; child over 40 pounds; lap safety belt

Sec. 3.7. Notwithstanding sections 2 and 3.6 of this chapter, a person may operate a motor vehicle in which there is a child who weighs more than forty (40) pounds and who is properly restrained and fastened by a lap safety belt if:

- (1) the motor vehicle is not equipped with lap and shoulder safety belts; or
- (2) not including the operator's seat and the front passenger seat:
 - (A) the motor vehicle is equipped with one (1) or more lap and shoulder safety belts; and
 - (B) all the lap and shoulder safety belts are being used to properly restrain other children who are less than sixteen (16) years of age.

As added by P.L.67-2004, SEC.8. Amended by P.L.146-2009, SEC.4.

IC 9-19-11-4

Designation of violations as being within authority of violations clerk

Sec. 4. Notwithstanding IC 34-28-5-9(1), a court may not designate violations of this chapter as being within the authority of the violations clerk.

As added by P.L.2-1991, SEC.7. Amended by P.L.1-1998, SEC.96.

IC 9-19-11-5

Enforcement proceedings; acquisition by violator of restraint system; costs; money judgments

Sec. 5. If at a proceeding to enforce section 2 of this chapter the court finds that the person:

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

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

As added by P.L.2-1991, SEC.7. Amended by P.L.1-1998, SEC.97; P.L.67-2004, SEC.9.

IC 9-19-11-6

Enforcement proceedings; absence of possession by violator of restraint system; costs; money judgments

Sec. 6. (a) If at a proceeding to enforce section 2 of this chapter the court finds that the person:

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

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

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

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

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

As added by P.L.2-1991, SEC.7. Amended by P.L.1-1998, SEC.98; P.L.67-2004, SEC.10.

IC 9-19-11-7

Forwarding to bureau of motor vehicles certified abstract of record of judgment

Sec. 7. A court shall forward to the bureau of motor vehicles a certified abstract of the record of judgment of any person in the court for a violation of this chapter in the manner provided by IC 9-25-6.

As added by P.L.2-1991, SEC.7.

IC 9-19-11-8

Contributory negligence

Sec. 8. Failure to comply with this chapter does not constitute contributory negligence.

As added by P.L.2-1991, SEC.7.

IC 9-19-11-9

Child restraint system account

Sec. 9. (a) The child restraint system account is established within the state general fund to make grants under subsection (d).

(b) The account consists of the following:

- (1) Funds collected as judgments for violations under this chapter.
- (2) Appropriations to the account from the general assembly.
- (3) Grants, gifts, and donations intended for deposit in the account.
- (4) Interest that accrues from money in the account.

(c) The account shall be administered by the criminal justice institute.

(d) The criminal justice institute, upon the recommendation of the governor's council on impaired and dangerous driving, shall use money in the account to make grants to private and public organizations to:

- (1) purchase child restraint systems; and
- (2) distribute the child restraint systems:
 - (A) without charge; or
 - (B) for a minimal charge;to persons who are not otherwise able to afford to purchase child restraint systems.

The criminal justice institute shall adopt rules under IC 4-22-2 to implement this section.

(e) Money in the account is appropriated continuously to the criminal justice institute for the purposes stated in subsection (a).

(f) The expenses of administering the account shall be paid from money in the account.

(g) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(h) Money in the account at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.67-2004, SEC.11.

IC 9-19-11-10

Violation; no assessment of points

Sec. 10. The bureau may not assess points under the point system for a violation of this chapter.

As added by P.L.67-2004, SEC.12.

IC 9-19-11-11

Violation; not basis for habitual offender determination

Sec. 11. A violation of this chapter may not be included in a determination of habitual violator status under IC 9-30-10-4.

As added by P.L.67-2004, SEC.13.