

IC 9-19-10

Chapter 10. Passenger Restraint Systems

IC 9-19-10-0.1

Application of certain amendments to chapter

Sec. 0.1. The amendments made to section 7 of this chapter by P.L.121-1993 apply to a product liability action that arises after June 30, 1993.

As added by P.L.220-2011, SEC.213.

IC 9-19-10-1

Application of chapter

Sec. 1. This chapter does not apply to an occupant of a motor vehicle who meets any of the following conditions:

- (1) For medical reasons should not wear safety belts, provided the occupant has written documentation of the medical reasons from a physician.
- (2) Is a child required to be restrained by a child restraint system under IC 9-19-11.
- (3) Is traveling in a commercial or a United States Postal Service vehicle that makes frequent stops for the purpose of pickup or delivery of goods or services.
- (4) Is a rural carrier of the United States Postal Service and is operating a vehicle while serving a rural postal route.
- (5) Is a newspaper motor route carrier or newspaper bundle hauler who stops to make deliveries from a vehicle.
- (6) Is a driver examiner designated and appointed by the bureau and is conducting an examination of an applicant for a permit or license under IC 9-24-10.
- (7) Is an occupant of a farm truck being used on a farm in connection with agricultural pursuits that are usual and normal to the farming operation.
- (8) Is an occupant of a motor vehicle participating in a parade.
- (9) Is an occupant of the living quarters area of a recreational vehicle.
- (10) Is an occupant of the treatment area of an ambulance (as defined in IC 16-18-2-13).
- (11) Is an occupant of the sleeping area of a tractor.
- (12) Is an occupant other than the operator of a vehicle described in IC 9-20-11-1(1).
- (13) Is an occupant other than the operator of a truck on a construction site.
- (14) Is a passenger other than the operator in a cab of a recovery vehicle who is being transported in the cab because the vehicle of the passenger is being towed by the recovery vehicle.
- (15) Is an occupant other than the operator of a motor vehicle being used by a public utility in an emergency as set forth in IC 9-20-6-5.

As added by P.L.2-1991, SEC.7. Amended by P.L.67-2004, SEC.2; P.L.214-2007, SEC.6; P.L.216-2014, SEC.49; P.L.198-2016, SEC.334.

IC 9-19-10-2

Use of safety belt by motor vehicle occupants; safety belt standards

Sec. 2. Each occupant of a motor vehicle equipped with a safety belt that:

(1) meets the standards stated in the Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208); and

(2) is standard equipment installed by the manufacturer;

shall have a safety belt properly fastened about the occupant's body at all times when the vehicle is in forward motion.

As added by P.L.2-1991, SEC.7. Amended by P.L.214-2007, SEC.7.

IC 9-19-10-2.5

Repealed

(As added by P.L.57-1998, SEC.1 and P.L.116-1998, SEC.1. Repealed by P.L.67-2004, SEC.14.)

IC 9-19-10-3

Repealed

(As added by P.L.2-1991, SEC.7. Amended by P.L.57-1998, SEC.2; P.L.116-1998, SEC.2. Repealed by P.L.214-2007, SEC.10.)

IC 9-19-10-3.1

Stopping, inspecting, or detaining vehicle; checkpoints

Sec. 3.1. (a) Except as provided in subsection (b), a vehicle may be stopped to determine compliance with this chapter. However, 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 this chapter.

(b) A law enforcement agency may not use a safety belt checkpoint to detect and issue a citation for a person's failure to comply with this chapter.

As added by P.L.214-2007, SEC.8.

IC 9-19-10-4

Repealed

(As added by P.L.2-1991, SEC.7. Repealed by P.L.262-2013, SEC.100.)

IC 9-19-10-5

Retail sales, leases, trades, and transfers

Sec. 5. A person may not buy, sell, lease, trade, or transfer from or to Indiana residents at retail an automobile that is manufactured or assembled, commencing with the 1964 models, unless the automobile is equipped with safety belts installed for use in the front

seat.

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

IC 9-19-10-6

Repealed

(As added by P.L.2-1991, SEC.7. Repealed by P.L.262-2013, SEC.101.)

IC 9-19-10-7

Failure to comply; fault; liability of insurer; mitigation of damages

Sec. 7. (a) Failure to comply with section 1, 2, or 3.1(a) of this chapter does not constitute fault under IC 34-51-2 and does not limit the liability of an insurer.

(b) Except as provided in subsection (c), evidence of the failure to comply with section 1, 2, or 3.1(a) of this chapter may not be admitted in a civil action to mitigate damages.

(c) Evidence of a failure to comply with this chapter may be admitted in a civil action as to mitigation of damages in a product liability action involving a motor vehicle restraint or supplemental restraint system. The defendant in such an action has the burden of proving noncompliance with this chapter and that compliance with this chapter would have reduced injuries, and the extent of the reduction.

As added by P.L.2-1991, SEC.7. Amended by P.L.121-1993, SEC.1; P.L.1-1998, SEC.95; P.L.214-2007, SEC.9; P.L.262-2013, SEC.102.

IC 9-19-10-8

Failure of front seat occupant to use belt; violation; classification; assessment of points

Sec. 8. (a) A person who:

- (1) is at least sixteen (16) years of age; and
- (2) violates section 2 of this chapter;

commits a Class D infraction.

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

As added by P.L.2-1991, SEC.7. Amended by P.L.57-1998, SEC.3; P.L.116-1998, SEC.3.

IC 9-19-10-9

Retail transfer of vehicle; violation; classification

Sec. 9. A person who violates section 5 of this chapter commits a Class C infraction.

As added by P.L.2-1991, SEC.7. Amended by P.L.262-2013, SEC.103.