

JURISDICTION:
General Reference:

INDIANA
Burn's Indiana Statutes Annotated and Indiana Administrative Code (IAC)

Required Use of Safety Belts¹:

Requirements: When a passenger motor vehicle² is in motion, the driver and every front seat passenger shall be secured in a safety belt. §9-19-10-2
Enforcement. A vehicle may be stopped to determine compliance with this requirement. However, neither the vehicle, its contents, driver nor passengers may be searched. §9-19-10-3 & *Baldwin v. Reagan*, 715 N.E.2d 332 (Ind. 1999)

Sanctions for Failure to Use or Require the Use of Safety Belts: Class D Infraction: A fine of not more than \$25. §§9-19-10-8(a) & 34-28-5-4(d) Note: Points may not be assessed against a person's driving record for a violation of this requirement. §9-19-10-8(b)

Effect on Civil Liability: Failure to comply does not constitute fault and does not limit the liability of an insurer. §9-19-10-7(a) Except in product liability situations, a failure to comply may not be admitted in a civil action to mitigate damages. §9-19-10-7(b) & (c)

Required Use of Child Safety Restraint Systems³:

Requirements: I. Before operating a motor vehicle, a driver must secure a child ≥4 but <12 years old in a child passenger restraint system or safety belt. §9-19-10-2.5
II. Before operating a motor vehicle, a driver must secure a child who is <4 years old in either a child passenger restraint system or, if the child will not fit in such a system, a seat belt. §§9-19-11-2 & 9-19-11-3

Sanctions for Failure to Require the Use of Child Restraint Systems: Class D Infraction: A fine of not more than \$25.⁴ §§9-19-10-2.5,

Required Use of Child Safety Restraint Systems:
(continued)

Sanctions for Failure to Require the Use of Child Restraint Systems:
(continued)

9-19-11-2, 9-19-11-3 & 34-28-5-4(d) Note: An abstract of a violation of this requirement is forwarded to the bureau of motor vehicles for inclusion

¹**Exemptions.** The requirement to wear a safety belt does not apply in the following circumstances: (1) To persons who cannot wear a safety belt for medical reasons; (2) to children who are required to use a child passenger restraint system; (3) to persons traveling in commercial or U.S. Postal Service vehicles that make frequent stops for the purpose of picking up or delivering goods and services; (4) to rural letter carriers of the U.S. Postal Service when performing official duties; (5) to persons delivering newspapers; and, (6) to persons performing the duties of a driver license examiner. §9-19-10-1

²The requirement to wear a safety belt applies to passenger motor vehicles that are equipped with safety belts that meet Federal Motor Vehicle Safety Standards (49 CFR 571.208) §9-19-10-2 For the purpose for safety belt usage, the term "passenger motor vehicle" is defined as "a motor vehicle designed for carrying passengers" which includes buses, school buses and private buses but excludes trucks, tractors and recreational vehicles. §9-13-2-123(b)

³**Exemptions.** The requirement that certain children use either a child passenger restraint system or seat belt does not apply to drivers operating either (1) a school bus, (2) a taxicab, (3) a rental vehicle for ≤30 days, (4) an ambulance, (5) vehicles not registered in Indiana and operated for ≤60 days, (6) a public passenger bus, (7) a vehicle with a seating capacity >9 individuals and owned by a religious or not-for-profit organization, (8) an antique motor vehicle, (9) a motorcycle, (10) a motor vehicle owned or leased by a governmental unit and that is being used for law enforcement duties and (11) a motor vehicle that is being used in an emergency. §9-19-11-1

⁴This sanction does not apply to first offenders who possess a child passenger restraint system. §9-19-11-5

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in the person's driving record. §9-19-11-7 Four (4) points are assessed against a person's driving record. 140 IAC §1-4.5-10

Effect on Civil Liability:

Failure to comply with this requirement does not constitute contributory negligence. §9-19-11-8

Required Use of Motorcycle Protective Headgear:

Requirements:

A person <18 years old shall wear State approved protective headgear when operating or riding on a motorcycle or motorized bicycle. §§9-19-7-1(1), 9-21-10-9 & 9-21-11-13

Sanctions for Failure to Use:

Class C Infraction: A fine of not more than **\$500**. §§9-19-7-3, 9-21-11-14 & 34-28-5-4(c) Four (4) points are assessed against a person's driving record. 140 IAC §1-4.5-10

Required Use of Motorcycle Eye Protection Device:

Requirements:

A person <18 years old shall wear protective glasses, goggles or transparent face shield when operating or riding on a motorcycle or motorized bicycle. §§9-19-7-1(2), 9-21-10-9 & 9-21-11-13

Sanctions for Failure to Use:

Class C Infraction: A fine of not more than **\$500**. §§9-19-7-3, 9-21-11-14 & 34-28-5-4(c)

Required Use of Bicycle Protective Headgear:

Requirements:

None

Sanctions for Failure to Use:

Required Use of Bicycle Eye Protection Device:

Requirements:

None

Sanctions for Failure to Use:

Prohibition Against Riding in Unsecured Portion of Vehicle:

Requirements:

None⁵

Sanctions for a Violation:

⁵Even though there is no statutory authority prohibiting this activity, such a prohibition may have been indirectly established for certain children via the provisions of the Child Safety Restraint Systems law.