

RESOLUTION OF THE
NAVAJO NATION COUNCIL

21st NAVAJO NATION COUNCIL - Third Year, 2009

AN ACT

RELATING TO PUBLIC SAFETY; ENACTING THE NAVAJO NATION MOTOR VEHICLE CODE CHILD PASSENGER RESTRAINT AMENDMENT ACT OF 2008 TITLE 14 N.N.C. § 547 INFANT/CHILD PASSENGER RESTRAINTS TO INCLUDE BOOSTER SEAT REQUIREMENTS FOR 5-12 YEAR OLDS, UP TO 4 FEET 9 INCHES IN HEIGHT

BE IT ENACTED:

Section One. Enactment of the Title 14 Navajo Nation Motor Vehicle Code Child Passenger Restraint Amendment Act of 2008.

The Navajo Nation Council hereby enacts the Title 14, Navajo Nation Motor Vehicle Code Child Passenger Restraint Amendment Act of 2008.

Section Two. Findings

The purpose of the Navajo Nation Motor Vehicle Code Child Passenger Restraint Amendment Act of 2008 is to provide a booster seat inclusion for 5-12 year olds, less than 4 feet 9 inches, and amend Title 14, Chapter 3, Section 547 of the Navajo Nation Motor Vehicle Code, as recommended by the Division of Public Safety. Currently, Navajo Nation law requires any person operating a passenger car, van or pickup truck, except for authorized emergency vehicles, public transportation or a school bus, to properly restrain only children under the age of four in a certified child restraint device that meets federal standards. Children between four through 12 years of age and less than 4'9" who only utilize a seatbelt can suffer from injuries associated with its use.

Section 3. Amendments to Title 14 of the Navajo Nation Code

The Navajo Nation hereby amends the Navajo Nation Code, Title 14, as follows:

Title 14. Navajo Nation Motor Vehicle Code

Chapter 3.

* * * *

§ 547. Infant/child passenger restraints

A. Any parent, guardian or custodian of an infant, ~~or child four years of age or younger, or youth under the~~ age of 12 years and less than 4'9", when transporting the child in a non-commercial motor vehicle operated on any highway of the Navajo Nation, shall properly secure the child in a child passenger restraint system. The restraint system shall meet Federal Motor Vehicle Safety Standard Number 213, which requires the following information:

1. ~~A.~~ On a permanent label attached to the restraint, the statement, "This child restraint system conforms to all applicable Federal Motor Vehicle Safety Standards" shall be printed; and
2. ~~B.~~ On a permanent label, attached to the restraint, the manufacturer's recommendations of the minimum and maximum weight and height of the children who can safely occupy the system shall be printed.

B. A person shall not operate a passenger car, van or pickup truck within the Navajo Nation, except for an authorized emergency vehicle, public transportation or a school bus, unless all passengers less than 12 years of age and less than 4 feet 9 inches in height are properly restrained. Each child less than 12 years of age and less than 4 feet 9 inches in height shall be properly secured in a child passenger restraint device or by a safety belt, unless all seating positions equipped with safety belts are occupied, as follows:

1.Children, less than one year of age shall be properly secured in a rear-facing child restraint of a vehicle that is equipped with a rear seat. If the vehicle is not equipped with a rear seat, the child may ride in the front seat of the vehicle with the passenger-side air bag deactivated.

2.Children, one year of age through four years of age, regardless of weight; or children who weigh less than forty pounds, regardless of age, shall be properly secured in a child passenger restraint device that meets federal standards for this age and size range.

3.Children, five years of age through twelve years of age, regardless of weight; or children who weigh less than sixty pounds, regardless of age, shall be properly secured in a child passenger restraint device that meets federal standards, by a booster seat or by a seat belt.

~~C. Printed installation instructions with step by step procedures, including diagrams of installing the system in a motor vehicle, positioning the child in the system, and adjusting the system to fit the child.~~

C. A child is properly secured in an adult seat belt when the lap belt properly fits across the child's thighs and hips and not the abdomen. The shoulder strap shall cross the center of the child's chest and not the neck, allowing the child to sit all the way back against the vehicle seat with knees bent over the seat edge.

D. If all seating positions equipped with safety belts are occupied, children shall be restrained in accordance with this Section, by the order of age, beginning with the youngest through the eldest.

Violators of this Section are subject to a civil assessment fee not more than ~~thirty seven~~ one hundred twenty-five dollars (~~\$37.50~~ 125.00- except that civil assessment shall be reduced to seventy-five dollars(\$75.00) if the person attends a two-hour Children Are Precious Passengers (CAPP) course taught by a certified child

passenger safety technician, and obtains a child restraint device that meets federal standards should the court require such proof. A child passenger restraint fund is established. The fund consists of all civil penalties deposited pursuant to this section and any monies donated by the public. The Navajo Nation Safe Kids Coalition shall administer the fund.

Section Four Codification

The provisions of this Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification or supplement of the Navajo Nation Code.

Section Five. Saving Clause

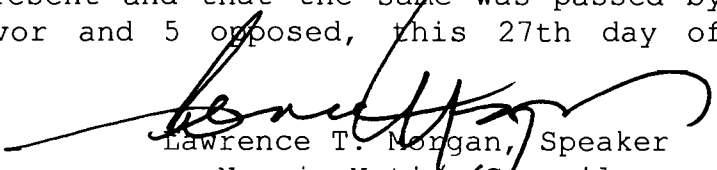
Should any provisions of this Act be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, those portions of this Act which are not determined invalid shall remain the law of the Navajo Nation.

Section Six. Effective Date

The provisions of this Act shall become effective in accord with 2 N.N.C. § 221(B).

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 53 in favor and 5 opposed, this 27th day of January 2009.

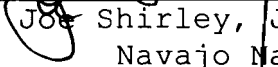

Lawrence T. Morgan, Speaker
Navajo Nation Council

02 Feb 09
Date

Motion: Elmer Milford
Second: Jonathan Nez

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), on this 9 day of Feb 2009.



Dr. Joe Shirley, Jr., President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2009 for the reason(s) expressed in the attached letter to the Speaker.

Dr. Joe Shirley, Jr., President
Navajo Nation