

Chapter Nine: Selected Indiana Laws

Child Safety Restraint Laws
Motorcycle Helmet Laws
Indiana's Comparative Negligence Law
Indiana's Point System



Child Safety Restraint Laws

State	Must be in child restraint	Adult safety belt permissible	Max 1st offense
Alabama	younger than 1 or less than 20 pounds in a rear-facing infant seat; 1 through 4 years or 20-40 pounds in a forward-facing child safety seat; 5 but not yet 6 in a booster seat.	6 through 14 years	\$25
Alaska	3 years and younger	4 through 15 years	\$50
Arizona	4 years and younger	not permissible	\$50
Arkansas	5 years and younger and less than 60 pounds	6 through 14 years or 60+ pounds	\$100
California	5 years and younger or less than 60 pounds	6 through 15 years or 60+ pounds	\$100
Colorado	younger than 1 year and less than 20 pounds in a rear-facing infant seat; 1 through 3 years and 20-40 pounds in a forward-facing child safety seat; 4 through 5 years and less than 55 inches in a booster seat	6-15 years and 55 + inches	\$50
Connecticut	younger than 1 year or less than 20 pounds in a rear-facing system; 1 through 6 years who is less than 60 pounds in a child restraint system (booster seats may only be used in a seating position with a lap and shoulder belt)	7 through 15 years and 60+ lbs	\$60
Delaware	7 years and younger and less than 66 pounds	8 through 15 years or 66+ lbs	\$25
D.C.	7 years and younger	8 through 15 years	\$75
Florida	3 years and younger	4 through 5 years	\$60
Georgia	5 years and younger and 57 inches or less	more than 57 inches	\$50
Hawaii	3 years and younger in a child safety seat; 4 years through 7 years must be in a booster seat or child restraint	4-7 years who are taller than 4'9"; 4-7 years who are at least 40 lbs seated in a rear seat where if there are no available lap/shoulder belts, may be restrained by a lap belt	\$100
Idaho	6 years and younger	not permissible	\$100
Illinois	7 years and younger	8 through 15 years	\$50
Indiana	7 years and younger when driver holds an Indiana license	8 through 15 years	\$25
Iowa	younger than 1 year and less than 20 pounds in a rear-facing child seat; 1 through 5 years	6 through 10 years	\$25
Kansas	all children 3 and younger must be in a child restraint; children 4-7 who weigh less than 80 pounds and children 4-7 who are less than 57 inches tall must be in a child restraint or booster seat children	children 8-13; 4 -7 years who weigh more than 80 lbs, and children 4-7 years who are 57+ in.	\$60
Kentucky	40 inches or less	not permissible	\$50
Louisiana	younger than 1 year or less than 20 pounds in a child safety seat; 1 through 3 years or 20-39 pounds in a forward-facing child safety seat; 4 through 5 years or 40-60 pounds in a child booster seat	6 through 12 years or 60+ lbs	\$50
Maine	less than 40 pounds in a child safety seat; 40-80 pounds and less than 8 years in a booster seat	8 through 17 years or less than 18 years and more than 4'9"	\$50
Maryland	5 years and younger or 40 pounds or less	6 through 15 years	\$25
Massachusetts	4 years and younger or 40 pounds and less	5 through 11 years	\$25
Michigan	3 years and younger	not permissible	\$10
Minnesota	3 years and younger	not permissible	\$50
Mississippi	3 years and younger	not permissible	\$25
Missouri	3 years and younger must be in a child restraint; under 40 pounds must be in a CR; 4 through 7 years who weigh at least 40 pounds but less than 80 pounds and who are 4'9" or shorter must be in either a CR or booster seat; children 4 years	all children 8 through 16 years; all children 4 years and older who weigh 80+ lbs or are 57+ in.	\$50
Montana	5 years and and younger and less than 60 pounds	not permissible	\$100
Nebraska	5 years and younger	6 through 17 years	\$251
Nevada	5 years and younger and 60 pounds or less	not permissible	\$500
New Hampshire	5 years and younger who are less than 55 inches tall	6 through 17 years; younger than 6 who are 55 inches	\$25

Child Safety Restraint Laws

State	Must be in child restraint	Adult safety belt permissible	Max 1st offense
New Jersey	7 years and younger and less than 80 pounds	not permissible	\$25
New Mexico	younger than 1 year in a rear-facing infant seat; 1 through 4 years or less than 40 pounds in a child safety seat;	7 through 17 years	\$25
New York	5 through 6 or less than 60 pounds in a booster seat	7 through 15 years	\$100
North Carolina	3 years and younger in all seats; 6 years and younger in all seats	8 through 15 years + children	\$25
North Dakota	7 years and younger and less than 80 pounds	40-80 pounds in seats without shoulder belts	\$25
Ohio	6 years and younger and less than 57 inches or less than 80 pounds	7 through 17 years;	\$25
Oklahoma	3 years and younger or less than 40 pounds	6 years and younger and at least 57 inches tall and at least 80 lbs;	\$25
Oregon	5 years and younger	6 years and younger and at least 40 lbs, if there are no available lap/shoulder belts, may be restrained by a lap belt	\$25
Pennsylvania	younger than 1 year or less than 20 pounds must be in a rear facing child safety seat; 40 lbs or less must be in a child safety seat; more than 40 pounds but less than 4 feet and 9 inches must be in a booster seat	4 through 14 years	\$25
Rhode Island	7 years and younger	6 through 12 years	\$25
South Carolina	6 years and younger and less than 54 inches and less than 80 pounds	taller than 4 feet and 9 inches	\$75
South Dakota	not permissible	not permissible	\$100
Tennessee	younger than 1 year or less than 20 pounds in a rear-facing infant seat; 1 through 5 years and 20-39 pounds in a forward-facing child safety seat; 1 through 5 years and 40-80 pounds in a booster seat secured by lap-shoulder belt (lap belt alone is impermissible)	6 years and younger who either weigh 80 pounds or more or who are at least 54 inches tall; 7-17	\$75
Texas	4 years and younger and less than 40 pounds	1 through 5 years and 80+ pounds	\$150
Utah	4 years and younger and less than 40 pounds	or any child 5 years and younger if the child's knees bend over the seat edge when sitting up straight with his/her back firmly against the seat back	\$150
Vermont	4 years and younger and less than 40 pounds	5 through 17 years;	\$20
Virginia	younger than 1 year or 20 pounds or less in a rear-facing infant seat; 1 through 3 years and 20+ pounds in a forward-facing infant seat; 4 through 8 years and less than 4'9" in a booster seat	all children 40+ pounds	\$20
Washington	4 years and younger and less than 36 inches	9 through 15 years or any child 12 or younger who is 4'9" or taller	\$50
West Virginia	4 years and younger	not permissible	\$200
Wisconsin	younger than 1 year or less than 20 pounds in a rear-facing infant seat; 2 through 7 and more than 20 pounds	5 through 15 years	\$45
Wyoming	7 years and younger unless they have a physician exemption	8-15 years and 20+ lbs	\$25
	younger than 8 and less than 4'9"	8-15 years 16	\$50
	7 years and younger and less than 4'9"	8 through 15; or 4'9" or taller	\$86
	children younger than 1 and all children who weigh less than 20 pounds are required to be in a rear-facing infant seat; children 1-3 years who weigh between 20 and 39 lbs are required to be in a forward-facing child safety seat; children 4-7 who weigh 40-79 lbs and who are less than 57 inches tall are required to be in a booster seat	4'9" or taller	\$20
	8 years and younger	8 years and younger and more than 80 lbs and 57 inches or taller	\$75
		not permissible	\$50

Motorcycle and Bicycle Helmet Laws

In Indiana, a person who is less than 18 years of age and is operating or riding on a motorcycle on the streets or highway, must wear protective headgear. This individual must also wear protective glasses, goggles, or transparent face shield.

Helmets are about 29 percent effective in preventing motorcycle deaths and about 67 percent effective in preventing brain injuries. An unhelmeted rider is 40 percent more likely to suffer a fatal head injury, compared with a helmeted rider.

Per mile driven, a motorcyclist is 16 times more likely to die in a crash than an automobile driver. Wearing a motorcycle helmet reduces that risk by 29 percent, according to the National Highway Traffic Safety Administration..

State	Motorcycle helmets	Bicycle helmets
Alabama	All riders	15 and younger
Alaska	17 and younger	no law
Arizona	17 and younger	no law
Arkansas	20 and younger	no law
California	All riders	17 and younger
Colorado	17 and younger	no law
Connecticut	17 and younger	15 and younger
Delaware	18 and younger	15 and younger
District of Columbia	All riders	15 and younger
Florida	20 and younger	15 and younger
Georgia	All riders	15 and younger
Hawaii	17 and younger	15 and younger
Idaho	17 and younger	no law
Illinois	no law	no law
Indiana	17 and younger	no law
Iowa	no law	no law
Kansas	17 and younger	no law
Kentucky	20 and younger ³	no law
Louisiana	All riders	11 and younger
Maine	14 and younger	15 and younger
Maryland	All riders	15 and younger
Massachusetts	All riders	16 and younger
Michigan	All riders	no law
Minnesota	17 and younger	no law
Mississippi	All riders	no law
Missouri	All riders	no law
Montana	17 and younger	no law
Nebraska	All riders	no law
Nevada	All riders	no law
New Hampshire	no law	15 and younger
New Jersey	All riders	16 and younger
New Mexico	17 and younger	17 and younger
New York	All riders	13 and younger
North Carolina	All riders	15 and younger
North Dakota	17 and younger	no law
Ohio	17 and younger	no law
Oklahoma	17 and younger	no law
Oregon	All riders	15 and younger
Pennsylvania	20 and younger	11 and younger
Rhode Island	20 and younger	15 and younger
South Carolina	20 and younger	no law
South Dakota	17 and younger	no law
Tennessee	All riders	15 and younger
Texas	20 and younger	no law
Utah	17 and younger	no law
Vermont	All riders	no law
Virginia	All riders	no law
Washington	All riders	no law
West Virginia	All riders	14 and younger
Wisconsin	17 and younger	no law
Wyoming	18 and younger	no law



Indiana's Comparative Negligence Law

THE WAY IT WAS

Prior to January 1, 1985, Indiana had a contributory negligence law. Under that statute, if a driver was in any way at fault in an accident, he or she could not recover damage from the other driver.

Examples:

- a) The plaintiff was entitled to recover only in the following situation:

Plaintiff (0% at fault) vs. **Defendant (100% at fault)**

- b) Plaintiff was barred from recovering in the following situation:

Plaintiff (1% at fault) vs. **Defendant (99% at fault)**

INDIANA'S CURRENT POLICY

Since then, Indiana has been operating under what is often referred to as the “less than or equal to” form of comparative negligence. Under this form, damages may be recovered by a negligent plaintiff who is less at fault than the defendant or as equal in fault as the defendant. However, a plaintiff may not recover if his percentage of fault exceeds the percentage of fault assigned to the defendant.

Examples:

- (a) A plaintiff would be entitled to recover in the following situations:

Plaintiff vs. **Defendant**
(49% at fault) (51% at fault)

Plaintiff is entitled to recover 51% of his damages.

Plaintiff vs. **Defendant**
(50% at fault) (50% at fault)

Plaintiff is entitled to recover 50% of his damages.

Note, however, that in this situation the defendant would be entitled to recover 50% for any damages he suffered from the plaintiff in a counter-suit.

- (b) A plaintiff would be barred from any recovery in the following situation:

Plaintiff vs. **Defendant**
(51% at fault) (49% at fault)

Plaintiff is barred from any recovery due to the fact his percentage of fault exceeds 50%.

However, the defendant would be entitled to recover 51% of any damages he suffered from the plaintiff in a counter-suit.

Indiana's Point System

THE PURPOSE

The point system was established as an objective method of identifying the driver in need of improving his or her driving habits. It was also brought up to provide guidelines for restricting or suspending the driver's license or permit.

Points Charged for Traffic Violations

Description	Point Value
Motorcycle Equipment Violation	2
Failure to Signal	2
Wrong Way on a One-way Road	4
Failure to Dim Bright Lights	4
Child Restraint Violation	4
Disregarding Traffic Control Signal	4
Improper Passing to the Left	4
Failure to Yield	6
Reckless Driving	6
Passing school bus When Arm Signal Out	6
Disregarding Officer Directing Traffic	6
Following too Closely	6
Speed Contest on Streets or Highways	8
Speeding Violations:	
Excessive speed not indicated	2
1 to 15 MPH in excess of limit	2
16 to 25 MPH in excess of limit	4
over 25 MPH in excess of limit	6

Point Accumulation

A driver accumulating any of the following number of active points is placed on probation for 6 months

- 1) Twelve (12) points accumulated over a 24 consecutive month period by a driver over 18 years of age
- 2) Ten (10) points accumulated over a 24 consecutive month period by a driver under 18 years of age
- 3) Eight (8) points accumulated over one year by a driver who holds a motorcycle learner's permit

Points remain active for 24 months after the court disposition date