

SEAT BELT LAW AMENDMENTS

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Robert F. Montgomery

AN ACT RELATING TO MOTOR VEHICLES; REQUIRING SEAT BELTS OR CHILD RESTRAINT DEVICES FOR DRIVERS AND ALL PASSENGERS OF MOTOR VEHICLES; PROVIDING PENALTIES; AND ~~§ [REPEALING]~~ **AMENDING** § ENFORCEMENT AS A SECONDARY ACTION.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

41-6-183, as last amended by Chapter 5, Laws of Utah 1991

41-6-185, as last amended by Chapter 234, Laws of Utah 1993

41-6-186, as enacted by Chapter 186, Laws of Utah 1986

ENACTS:

41-6-181.5, Utah Code Annotated 1953

REPEALS AND REENACTS:

41-6-182, as last amended by Chapter 234, Laws of Utah 1993

REPEALS:

41-6-184, as last amended by Chapter 5, Laws of Utah 1991

41-6-148.20, as last amended by Chapter 270, Laws of Utah 1998

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **41-6-181.5** is enacted to read:

41-6-181.5. Definitions.

As used in this article:

(1) "Child restraint device" means a child restraint device approved by the commissioner of the Department of Public Safety.

(2) "Motor vehicle" means a vehicle defined in Section 41-1a-102, except vehicles that are

28 not equipped with seat belts by the manufacturer.

29 (3) "Seat belt" means a safety belt or seat belt system that meets standards set by the
 30 commissioner of the Department of Public Safety.

31 (4) "Seating position" means any area within the passenger compartment of a motor
 32 vehicle in which the manufacturer has installed a seat belt.

33 Section 2. Section **41-6-182** is repealed and reenacted to read:

34 **41-6-182. Driver and passengers -- Seat belt or child restraint device required.**

35 (1) The driver of a motor vehicle operated on a highway shall:

36 (a) wear a properly adjusted and fastened seat belt;

37 (b) provide for the protection of each person younger than four years of age by using a
 38 child restraint device to restrain each person in the manner prescribed by the manufacturer of the
 39 device; and

40 (c) provide for the protection of each person four years of age up to 16 years of age by
 41 using an appropriate child restraint device to restrain each person in the manner prescribed by the
 42 manufacturer of the device or by securing, or causing to be secured, a properly adjusted and
 43 fastened seat belt on each person.

44 (2) A passenger who is 16 years of age or older of a motor vehicle operated on a highway
 45 shall wear a properly adjusted and fastened seat belt.

46 (3) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
 47 commissioner of the Department of Public Safety shall set standards for approved seat belts and
 48 child restraint devices.

49 (4) If more than one person is not using a child restraint device or wearing a seat belt in
 50 violation of Subsection (1), it is only one offense and the driver may receive only one citation.

50a **§ (5) FOR A PERSON 21 YEARS OF AGE OR OLDER WHO VIOLATES SUBSECTION (1)(a) OR (2),**
 50b **ENFORCEMENT BY A STATE OR LOCAL LAW ENFORCEMENT OFFICER SHALL BE ONLY AS A**
 50c **SECONDARY ACTION WHEN THE PERSON HAS BEEN DETAINED FOR A SUSPECTED VIOLATION OF**
 50d **TITLE 41, MOTOR VEHICLES, OTHER THAN SUBSECTION (1)(a) OR (2), OR FOR ANOTHER OFFENSE. §**

51 Section 3. Section **41-6-183** is amended to read:

52 **41-6-183. Exceptions.**

53 (1) This article does not apply to a driver or [front seat] passenger of:

54 [(+)] (a) a motor vehicle manufactured before July 1, 1966;

55 [(2)] (b) a motor vehicle in which the driver or passengers possess a written verification
 56 from a licensed physician that the driver or passenger is unable to wear a [safety] seat belt system
 57 for physical or medical reasons; or

58 [(3)] (c) a motor vehicle or seating position which is not required to be equipped with a

59 [~~safety~~] seat belt system under federal law[;].

60 [~~(4) a motor vehicle operated by a rural letter carrier of the United States Postal Service~~
61 ~~while performing the duties of a rural letter carrier; or]~~

62 [~~(5) a motor vehicle engaged in pick up, delivery, or service operations involving repeated~~
63 ~~starts and stops and requiring the front seat occupant to frequently and repeatedly enter and leave~~
64 ~~the vehicle.]~~

65 (2) This article does not apply to a passenger if all seating positions are occupied by other
66 passengers.

67 Section 4. Section **41-6-185** is amended to read:

68 **41-6-185. Penalty for violation.**

69 (1) § ~~(a)~~ § A person who violates Section 41-6-182 is guilty of an infraction and shall be
69a fined a

70 maximum of [\$10] § ~~[\$75] \$45~~ § .

70a **§ (b) THE COURT SHALL WAIVE ALL BUT \$15 OF THE FINE FOR A VIOLATION OF SECTION 41-6-182**
70b **IF A PERSON SHOWS EVIDENCE OF COMPLETION OF A TWO-HOUR COURSE APPROVED BY THE**
70c **COMMISSIONER OF THE DEPARTMENT OF PUBLIC SAFETY THAT INCLUDES EDUCATION ON THE**
70d **BENEFITS OF USING A SEAT BELT AND CHILD RESTRAINT DEVICE.** §

71 (2) Points for a motor vehicle reportable violation, as defined under Section 53-3-102,
72 § ~~[+]~~may not ~~[+]~~ ~~shall~~ § be assessed against § ~~[+]~~any person ~~[+]~~ ~~a driver~~ § for a violation
72a of § ~~[+]~~Section ~~[+]~~ ~~Subsection~~ §
73 41-6-182 § ~~(1)~~ § .

74 (3) The court in which a charge is pending for a first violation of Subsection
75 41-6-182(1)(b) shall dismiss the action against a driver who, during or before any court appearance
76 on the matter, submits proof of acquisition, rental, or purchase of a child restraint device as
77 required by Subsection 41-6-182(1)(b).

78 Section 5. Section **41-6-186** is amended to read:

79 **41-6-186. Compliance -- Civil litigation.**

80 The failure to § ~~[provide and]~~ § use a child restraint device or to wear a seat belt does not
81 constitute contributory or comparative negligence § **ON THE PART OF A PERSON SEEKING**
81a **RECOVERY FOR INJURIES** § , and may not be introduced as evidence in any
82 civil litigation on the issue of negligence, injuries, or ~~on~~ the ~~[issue of]~~ mitigation of damages.

83 Section 6. **Repealer.**

84 This act repeals:

85 Section **41-6-148.20, Child restraint device required -- Violation as infraction --**
86 **Dismissal of charge -- Failure not admissible as to negligence.**

87 Section **41-6-184, Enforcement.**

Legislative Review Note
as of 11-18-98 3:58 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Committee Note

The Transportation Interim Committee recommended this bill.