

1 **SEAT BELT COMPLIANCE - CIVIL**

2 **LITIGATION**

3 2000 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Jeff Alexander**

6 AN ACT RELATING TO MOTOR VEHICLES; REPEALING THE PROHIBITION ON THE
7 ADMISSIBILITY OF THE USE OF A CHILD RESTRAINT DEVICE OR SAFETY BELT AS
8 TO NEGLIGENCE.

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

10 AMENDS:

11 **41-6-148.20**, as last amended by Chapter 270, Laws of Utah 1998

12 REPEALS:

13 **41-6-186**, as enacted by Chapter 186, Laws of Utah 1986

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

15 Section 1. Section **41-6-148.20** is amended to read:

16 **41-6-148.20. Child restraint device required -- Violation as infraction -- Dismissal**
17 **of charge.**

18 (1) As used in this section:

19 (a) "Motor vehicle" means a vehicle defined in Section 41-1a-102; except authorized
20 emergency vehicles defined in Sections 41-6-1 and 41-6-1.5, mopeds, campers, sleepers,
21 motorcycles, motor homes, school buses, taxicabs, vehicles owned, operated, or leased by a public
22 transit district, commercial vehicles as defined in Section 72-9-102, or vehicles that weigh over
23 10,000 pounds gross weight and are not equipped with seat belts by the manufacturer.

24 (b) "Seating position" means any area within the passenger compartment of a motor
25 vehicle in which the manufacturer has installed seat belts.

26 (2) A driver transporting a child in a motor vehicle shall:

27 (a) provide for the protection of a child younger than two years of age by using a child

28 restraint device approved by the commissioner of public safety to restrain the child in the manner
29 prescribed by the manufacturer of the device; and

30 (b) provide for the protection of a child two years of age up to ten years of age by using
31 an appropriate child restraint device or a safety belt approved by the commissioner of public safety
32 to restrain the child in the manner prescribed by the manufacturer of the device.

33 (3) Subsection (2) does not apply if all seating positions are occupied by other passengers.

34 (4) (a) A driver convicted of a violation of this section is guilty of an infraction and shall
35 be fined not more than \$75 per offense.

36 (b) The court in which a charge is pending for a first violation of this section shall dismiss
37 the action against a driver who, during or before any court appearance on the matter, submits proof
38 of acquisition, rental, or purchase of a child restraint device or safety belt as required by Subsection
39 (2).

40 [~~(5) Failure to provide and use a child restraint device or safety belt to restrain a child as~~
41 ~~required under this section may not be considered comparative negligence, nor is the failure to~~
42 ~~provide and use the restraint device or safety belt admissible as evidence in the trial of a civil~~
43 ~~action with regard to negligence.]~~

44 **Section 2. Repealer.**

45 This act repeals:

46 Section **41-6-186, Compliance -- Civil litigation.**

Legislative Review Note
as of 1-31-00 4:42 PM

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

Office of Legislative Research and General Counsel