▲ Approved for Filing: DSL ▲
▲ 12-30-99 9:02 AM ▲

1	SAFETY BELT LAW AMENDMENTS
2	2000 GENERAL SESSION
3	STATE OF UTAH
4	Sponsor: Robert F. Montgomery
5	AN ACT RELATING TO MOTOR VEHICLES; REQUIRING SAFETY BELTS OR CHILD
6	RESTRAINT DEVICES FOR DRIVERS AND ALL PASSENGERS OF MOTOR VEHICLES;
7	PROVIDING PENALTIES; AND AMENDING ENFORCEMENT AS A SECONDARY
8	ACTION.
9	This act affects sections of Utah Code Annotated 1953 as follows:
10	AMENDS:
11	41-6-183, as last amended by Chapter 5, Laws of Utah 1991
12	41-6-185, as last amended by Chapter 234, Laws of Utah 1993
13	41-6-186, as enacted by Chapter 186, Laws of Utah 1986
14	ENACTS:
15	41-6-181.5 , Utah Code Annotated 1953
16	REPEALS AND REENACTS:
17	41-6-182, as last amended by Chapter 234, Laws of Utah 1993
18	REPEALS:
19	41-6-184, as last amended by Chapter 5, Laws of Utah 1991
20	41-6-148.20, as last amended by Chapter 270, Laws of Utah 1998
21	Be it enacted by the Legislature of the state of Utah:
22	Section 1. Section 41-6-181.5 is enacted to read:
23	<u>41-6-181.5.</u> Definitions.
24	As used in this article:
25	(1) "Child restraint device" means a child restraint device approved by the commissioner
26	of the Department of Public Safety.
27	(2) "Motor vehicle" means a vehicle defined in Section 41-1a-102, except vehicles that are

S.B. 12

12-30-99 9:02 AM

28	not equipped with safety belts by the manufacturer.
29	(3) "Safety 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 safety 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 Section 41-6-182 is repealed and reenacted to read: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 safety belt;
37	(b) provide for the protection of each person younger than § [four] FIVE ş years of age by
37a	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] FIVE ş years of age up to 16 years of
40a	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 safety 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 safety 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 safety belts and
48	child restraint devices.
49	(4) If more than one person is not using a child restraint device or wearing a safety belt in
50	violation of Subsection (1), it is only one offense and the driver may receive only one citation.
51	(5) For a person § [21] 19 ş years of age or older who violates Subsection (1)(a) or (2).
52	enforcement by a state or local law enforcement officer shall be only as a secondary action when
53	the person has been detained for a suspected violation of Title 41, Motor Vehicles, other than
54	Subsection (1)(a) or (2), or for another offense.
55	Section 3. Section 41-6-183 is amended to read:
56	41-6-183. Exceptions.
57	(1) This article does not apply to a driver or [front seat] passenger of:
58	[(1)] (a) a motor vehicle manufactured before July 1, 1966;

12-30-99 9:02 AM

59	[(2)] (b) a motor vehicle in which the driver or passengers possess a written verification
60	from a licensed physician that the driver or passenger is unable to wear a safety [seat] belt [system]
61	for physical or medical reasons; or
62	[(3)] (c) a motor vehicle or seating position which is not required to be equipped with a
63	safety [seat] belt system under federal law[;].
64	[(4) a motor vehicle operated by a rural letter carrier of the United States Postal Service
65	while performing the duties of a rural letter carrier; or]
66	[(5) a motor vehicle engaged in pick up, delivery, or service operations involving repeated
67	starts and stops and requiring the front seat occupant to frequently and repeatedly enter and leave
68	the vehicle.]
69	(2) This article does not apply to a passenger if all seating positions are occupied by other
70	passengers.
71	Section 4. Section 41-6-185 is amended to read:
72	41-6-185. Penalty for violation.
73	(1) (a) A person who violates Section 41-6-182 is guilty of an infraction and shall be fined
74	<u>a maximum of [\$10] \$45</u> .
75	(b) The court shall waive all but \$15 of the fine for a violation of Section 41-6-182 if a
76	person shows evidence of completion of a two-hour course approved by the commissioner of the
77	Department of Public Safety that includes education on the benefits of using a safety belt and child
78	restraint device.
79	(2) Points for a motor vehicle reportable violation, as defined under Section 53-3-102, may
80	not be assessed against any person for a violation of Section 41-6-182.
81	(3) The court in which a charge is pending for a first violation of Subsection
82	41-6-182(1)(b) shall dismiss the action against a driver who, during or before any court appearance
83	on the matter, submits proof of acquisition, rental, or purchase of a child restraint device as
84	required by Subsection 41-6-182(1)(b).
85	Section 5. Section 41-6-186 is amended to read:
86	41-6-186. Compliance Civil litigation.
87	The failure to use a child restraint device or to wear a [seat] safety belt does not constitute
88	contributory or comparative negligence on the part of a person seeking recovery for injuries, and

89 may not be introduced as evidence in any civil litigation on the issue of <u>negligence</u>, injuries, or

[on issue of] mitigation of damages. Section 6. **Repealer.** This act repeals:

93 41-6-148.20,

94 Dismissal of charge -- Failure not admissible as to negligence.

Section 41-6-184, Enforcement.

Legislative Review Note

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

Office of Legislative Research and General Counsel