



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 Section **41-6-182** is repealed and reenacted to read: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 § 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 § 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 § 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 [+] (a) a motor vehicle manufactured before July 1, 1966;

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 a maximum of ~~[\$10]~~ \$45.

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 negligence, 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.**

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## Legislative Review Note

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

**Office of Legislative Research and General Counsel**