

1 **RESTRICTIONS ON PASSENGERS IN**
2 **PICKUP TRUCKS**

3 2003 GENERAL SESSION
4 STATE OF UTAH

5 **Sponsor: Curtis S. Bramble**

6 **This act modifies Motor Vehicles Code by prohibiting a passenger under the age of 18**
7 **from riding in the back of a pickup truck and providing enforcement of this provision**
8 **only as a secondary action. This act adds exceptions for § NONPUBLIC HIGHWAYS, FOR §**
8a **riding in a camper § , FOR PARTICIPATING IN A PARADE, § and for a**
9 **passenger engaged in an agricultural operation. This act makes technical changes.**

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

11 AMENDS:

12 **41-6-108**, Utah Code Annotated 1953

13 ENACTS:

14 **41-6-108.5**, Utah Code Annotated 1953

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

16 Section 1. Section **41-6-108** is amended to read:

17 **41-6-108. Definitions -- Prohibition for passengers riding on improper portion of**
18 **motor vehicle -- Exceptions.**

19 ~~[No]~~ (1) ~~A~~ person ~~[shall]~~ may not ride, and ~~[no]~~ a person driving a motor vehicle
20 ~~[shall]~~ may not knowingly permit any person to ride, upon any portion of any vehicle not
21 designed or intended for the use of passengers. ~~[This provision shall]~~

22 (2) Subsection (1) does not apply to:

23 (a) any vehicle that is not being driven ~~[elsewhere than upon]~~ on a highway ~~[or to];~~

24 (b) an employee engaged in the necessary discharge of his duty ~~[or to persons];~~

25 (c) a person engaged in an agricultural operation; or

26 (d) a person who is riding within or upon any motor vehicle in space intended for any
27 load on ~~[said]~~ the vehicle.



- 28 Section 2. Section **41-6-108.5** is enacted to read:
- 29 **41-6-108.5. Passengers in the back of pickup trucks -- Secondary enforcement.**
- 30 (1) As used in this section:
- 31 (a) "camper" has the same meaning as provided in Section 41-1a-102; and
- 32 (b) "pickup truck" has the same meaning as provided in Section 41-1a-102.
- 33 (2) Notwithstanding the provisions of Section 41-6-108:
- 34 (a) a person driving a pickup truck may not knowingly permit a person under 16 years
- 35 of age to ride in the back of the pickup truck; or
- 36 (b) a passenger who is at least 16 years of age but less than 18 years of age may not
- 37 ride in the back of a pickup truck.
- 38 (3) Subsection (2) does not apply to a person:
- 39 (a) § IN A VEHICLE THAT IS NOT BEING DRIVEN ON A PUBLIC HIGHWAY;
- 39a (b) § riding in a camper; § [or]
- 40 [~~(b)~~] (c) § engaged in an agricultural operation § ; OR
- 40a (c) PARTICIPATING IN A PARADE § .
- 41 (4) (a) If more than one person is in violation under Subsection (2)(a), it is only one
- 42 offense and the driver may receive only one citation.
- 43 (b) Each person in violation under Subsection (2)(b) is a separate offense and each
- 44 person may receive a citation.
- 45 (5) A state or local law enforcement officer shall enforce Subsection (2) only as a
- 46 secondary action when the vehicle has been detained:
- 47 (a) for a suspected violation by any person in the vehicle of Title 41, Motor Vehicles,
- 48 other than this section; or
- 49 (b) for another offense.

Legislative Review Note
as of 12-6-02 3:25 PM

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

Office of Legislative Research and General Counsel

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst