

**CHILD RESTRAINT SAFETY DEVICES**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Carol Spackman Moss**

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**LONG TITLE**

**General Description:**

This bill modifies the Motor Vehicles Code by amending child restraint safety device provisions.

**Highlighted Provisions:**

This bill:

- ▶ amends the requirement for use of a child restraint device in a motor vehicle from a child younger than five, to a child at least eight years of age or at least 57 inches tall, whichever occurs first; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**41-6-182**, as repealed and reenacted by Chapter 153, Laws of Utah 2000

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

Section 1. Section **41-6-182** is amended to read:

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

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



28 (a) wear a properly adjusted and fastened safety belt;  
29 (b) provide for the protection of each person [~~younger than five~~] until the person is at  
30 least eight years of age or at least 57 inches tall, whichever occurs first, by using a child  
31 restraint device or booster seat to restrain each person in the manner prescribed by the  
32 manufacturer of the device; and

33 (c) provide for the protection of each person [~~five years of age~~] up to 16 years of age  
34 [~~by using an appropriate child restraint device to restrain each person in the manner prescribed~~  
35 ~~by the manufacturer of the device or~~] and who is not covered under Subsection (1)(b) by  
36 securing, or causing to be secured, a properly adjusted and fastened safety belt on each person.

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

39 (3) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
40 commissioner of the Department of Public Safety shall set standards for approved safety belts  
41 [~~and~~], child restraint devices, and booster seats.

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

45 (5) For a person 19 years of age or older who violates Subsection (1)(a) or (2),  
46 enforcement by a state or local law enforcement officer shall be only as a secondary action  
47 when the person has been detained for a suspected violation of Title 41, Motor Vehicles, other  
48 than Subsection (1)(a) or (2), or for another offense.

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**Legislative Review Note**  
**as of 9-5-03 10:49 AM**

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

**Office of Legislative Research and General Counsel**