

**Representative Michael E. Noel** proposes the following substitute bill:

**SAFETY BELT LAW REQUIREMENT**

**AMENDMENTS**

2005 GENERAL SESSION

STATE OF UTAH

**Sponsor: Michael E. Noel**

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**LONG TITLE**

**General Description:**

This bill modifies the Motor Vehicles Code and the Public Safety Code by amending provisions related to safety belt violations and driver licenses.

**Highlighted Provisions:**

This bill:

- ▶ changes the penalty for a safety belt violation from an infraction to a class C misdemeanor;
- ▶ provides that a person's driving privilege shall be suspended for 30 days if the person cited for a safety belt violation is:
  - a minor and the operator of the vehicle at the time of the violation; or
  - a passenger in the vehicle at the time of the violation and at least 16 years of age but younger than 18 years of age;
- ▶ requires the court to notify the Driver License Division of violations for certain safety belt provisions;
- ▶ provides that the Driver License Division shall immediately suspend a minor's driving privilege upon receiving notice from a court of a minor's violation of certain safety belt requirements; and
- ▶ makes technical changes.



26 **Monies Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **41-6a-202**, as renumbered and amended by Chapter 2, Laws of Utah 2005

33 **41-6a-1805**, as renumbered and amended by Chapter 2, Laws of Utah 2005

34 **53-3-219**, as last amended by Chapter 161, Laws of Utah 2004



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

37 Section 11. Section **41-6a-202** is amended to read:

38 **41-6a-202. Violations of chapter -- Penalties.**

39 (1) A violation of any provision of this chapter is a class C misdemeanor, unless  
40 otherwise provided.

41 (2) A violation of any provision of Parts 2, 11, and 17~~[, and 18]~~ of this chapter is an  
42 infraction, unless otherwise provided.

43 Section 22. Section **41-6a-1805** is amended to read:

44 **41-6a-1805. Penalty for violation.**

45 (1) (a) A person who violates Section 41-6a-1803 is guilty of ~~[an infraction]~~ a class C  
46 misdemeanor and shall be fined a maximum of \$45.

47 (b) The court shall waive all but \$15 of the fine for a violation of Section 41-6a-1803 if  
48 a person:

49 (i) shows evidence of completion of a two-hour course approved by the commissioner  
50 of the Department of Public Safety that includes education on the benefits of using a safety belt  
51 and child restraint device; and

52 (ii) if the violation is for an offense under Subsection 41-6a-1803(1)(b), submits proof  
53 of acquisition, rental, or purchase of a child restraint device.

54 (2) Points for a motor vehicle reportable violation, as defined under Section 53-3-102,  
55 may not be assessed against a person for a violation of Section 41-6a-1803.

56 (3) (a) When a court finds that a person has violated Section 41-6-1803, the person's

57 driving privilege shall be suspended if the person is:

58 (i) (A) younger than 18 years of age; and

59 (B) the operator of the motor vehicle; or

60 (ii) (A) at least 16 years of age but younger than 18 years of age; and

61 (B) a passenger of the motor vehicle being operated on a highway.

62 (b) The court shall notify the Driver License Division of all dispositions under this

63 Subsection (3).

64 (4) The Driver License Division shall suspend for 30 days the driver license of a person

65 identified in Subsection (3) who violates Section 41-6a-1803 upon receiving notice from a

66 court under Subsection (3).

67 Section 33. Section **53-3-219** is amended to read:

68 **53-3-219. Suspension of minor's driving privileges.**

69 (1) The division shall immediately suspend all driving privileges of any person upon

70 receipt of an order suspending driving privileges under Section 32A-12-209, Subsection

71 76-9-701(1), or Section 78-3a-506.

72 (a) Upon receipt of the first order suspending a person's driving privileges, the division

73 shall impose a suspension for 90 days or, if the person is under the age of eligibility for a driver

74 license, the suspension shall begin on the date of conviction and continue for the first 90 days

75 following the date of eligibility.

76 (b) Upon receipt of a second order suspending a person's driving privileges, the

77 division shall impose a suspension for six months or, if the person is under the age of eligibility

78 for a driver license, the suspension shall begin on the date of conviction and continue for the

79 first six months following the date of eligibility.

80 (c) Upon receipt of a third or subsequent order suspending a person's driving

81 privileges, the division shall impose a suspension for one year or, if the person is under the age

82 of eligibility for a driver license, the suspension shall begin on the date of conviction and

83 continue for one year beginning on the date of eligibility.

84 (2) (a) The division shall immediately suspend for 30 days all driving privileges of a

85 person upon receipt of a notice under Section 41-6a-1805.

86 (b) If the person is under the age of eligibility for a driver license, the suspension shall

87 begin on the date of conviction and continue for the first 30 days following the date of

88 eligibility.

89            [~~2~~] (3) After reinstatement of the license under Subsection (1)(a), a report authorized  
90 under Section 53-3-104 may not contain evidence of the suspension of a minor's license under  
91 this section if the minor has not been convicted of any other offense for which the suspension  
92 under Subsection (1)(a) may be extended.

**State Impact**

It is estimated that the bill is revenue neutral. The bill will generate \$7,800 in new, ongoing General Fund revenues to the state beginning FY 2006. The Administrative Office of the Courts will require an appropriation of \$7,800 in ongoing General Funds beginning FY 2006 to implement provisions of the bill.

	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2006</u> <u>Revenue</u>	<u>FY 2007</u> <u>Revenue</u>
General Fund	\$7,800	\$7,800	\$7,800	\$7,800
<b>TOTAL</b>	<b>\$7,800</b>	<b>\$7,800</b>	<b>\$7,800</b>	<b>\$7,800</b>

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**Individual and Business Impact**

The bill will generate \$77,500 in new revenues to the justice courts throughout the state. The justice courts will incur approximately \$77,500 in costs to implement provisions of the bill. There is no fiscal impact for individuals who comply with the traffic laws throughout the state.

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**Office of the Legislative Fiscal Analyst**