

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

**SAFETY BELT ENFORCEMENT**

2005 GENERAL SESSION

STATE OF UTAH

**Sponsor: Karen Hale**

Patrice M. Arent

Gene Davis

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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:

~~⌚→ [→ repeals the provision that makes a seat belt violation for a person 19 years of age or older enforceable only as a secondary action when the person is detained for another offense;] ←⌚~~

▶ 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



26           ▶ makes technical changes.

27 **Monies Appropriated in this Bill:**

28           None

29 **Other Special Clauses:**

30           None

31 **Utah Code Sections Affected:**

32 AMENDS:

33           **41-6a-1803**, as renumbered and amended by Chapter 2, Laws of Utah 2005

34           **41-6a-1805**, as renumbered and amended by Chapter 2, Laws of Utah 2005

35           **53-3-219**, as last amended by Chapter 161, Laws of Utah 2004



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

38           Section 1. Section **41-6a-1803** is amended to read:

39           **41-6a-1803. Driver and passengers -- Seat belt or child restraint device required.**

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

41           (a) wear a properly adjusted and fastened safety belt;

42           (b) provide for the protection of each person younger than five years of age by using a  
43 child restraint device to restrain each person in the manner prescribed by the manufacturer of  
44 the device; and

45           (c) provide for the protection of each person five years of age up to 16 years of age by:

46           (i) using an appropriate child restraint device to restrain each person in the manner  
47 prescribed by the manufacturer of the device; or

48           (ii) securing, or causing to be secured, a properly adjusted and fastened safety belt on  
49 each person.

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

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

55           **H→ [f] (4) For a person 19 years of age or older who violates Subsection (1)(a) or (2),**  
56 **enforcement by a state or local law enforcement officer shall be only as a secondary action**

57 when the person has been detained for a suspected violation of Title 41, Motor Vehicles, other  
58 than Subsection (1)(a) or (2), or for another offense. [H] ←H

59 Section 2. Section 41-6a-1805 is amended to read:

60 **41-6a-1805. Penalty for violation.**

61 (1) (a) A person who violates Section 41-6a-1803 is guilty of an infraction and shall be  
62 fined a maximum of \$45.

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

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

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

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

72 (3) (a) When a court finds that a person has violated Section 41-6a-1803, the person's  
73 driving privilege shall be suspended if the person is:

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

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

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

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

78 (b) The court shall notify the Driver License Division of all dispositions under this  
79 Subsection (3).

80 (4) The Driver License Division shall suspend for 30 days the driver license of a person  
81 identified in Subsection (3) who violates Section 41-6a-1803 upon receiving notice from a  
82 court under Subsection (3).

83 Section 3. Section 53-3-219 is amended to read:

84 **53-3-219. Suspension of minor's driving privileges.**

85 (1) The division shall immediately suspend all driving privileges of any person upon  
86 receipt of an order suspending driving privileges under Section 32A-12-209, Subsection  
87 76-9-701(1), or Section 78-3a-506.

88 (a) Upon receipt of the first order suspending a person's driving privileges, the division  
89 shall impose a suspension for 90 days or, if the person is under the age of eligibility for a driver  
90 license, the suspension shall begin on the date of conviction and continue for the first 90 days  
91 following the date of eligibility.

92 (b) Upon receipt of a second order suspending a person's driving privileges, the  
93 division shall impose a suspension for six months or, if the person is under the age of eligibility  
94 for a driver license, the suspension shall begin on the date of conviction and continue for the  
95 first six months following the date of eligibility.

96 (c) Upon receipt of a third or subsequent order suspending a person's driving  
97 privileges, the division shall impose a suspension for one year or, if the person is under the age  
98 of eligibility for a driver license, the suspension shall begin on the date of conviction and  
99 continue for one year beginning on the date of eligibility.

100 (2) (a) The division shall immediately suspend for 30 days all driving privileges of a  
101 person upon receipt of a notice under Section 41-6a-1805.

102 (b) If the person is under the age of eligibility for a driver license, the suspension shall  
103 begin on the date of conviction and continue for the first 30 days following the date of  
104 eligibility.

105 [~~2~~] (3) After reinstatement of the license under Subsection (1)(a) or (2)(a), a report  
106 authorized under Section 53-3-104 may not contain evidence of the suspension of a minor's  
107 license under this section if the minor has not been convicted of any other offense for which the  
108 suspension under Subsection (1)(a) or (2)(a) may be extended.