

SAFETY BELT ENFORCEMENT

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Karen Hale

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by amending safety belt provisions.

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.

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41-6-182, as repealed and reenacted by Chapter 153, Laws of Utah 2000

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:

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

(b) provide for the protection of each person younger than five years of age by using a



28 child restraint device to restrain each person in the manner prescribed by the manufacturer of
29 the device; and

30 (c) provide for the protection of each person five years of age up to 16 years of age by
31 using an appropriate child restraint device to restrain each person in the manner prescribed by
32 the manufacturer of the device or by securing, or causing to be secured, a properly adjusted and
33 fastened safety belt on each person.

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

36 (3) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
37 commissioner of the Department of Public Safety shall set standards for approved safety belts
38 and child restraint devices.

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

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

Legislative Review Note
as of 1-7-05 1:46 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

State Impact

It is estimated that provisions of this bill will increase General Fund revenues by \$2,400 in FY 2005 and \$14,400 each fiscal year thereafter. The Courts will require General Fund appropriations of \$4,500 in FY 2005 and \$27,000 each fiscal year thereafter to deal with the increased caseload

	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>
	<u>Approp.</u>	<u>Approp.</u>	<u>Approp.</u>	<u>Revenue</u>	<u>Revenue</u>	<u>Revenue</u>
General Fund	\$4,500	\$27,000	\$27,000	\$2,400	\$14,400	\$14,400
TOTAL	\$4,500	\$27,000	\$27,000	\$2,400	\$14,400	\$14,400

Individual and Business Impact

No significant fiscal impact.