

**CHILD RESTRAINT DEVICE AMENDMENTS**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Tim M. Cosgrove**

Senate Sponsor: Gregory S. Bell

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**LONG TITLE**

**General Description:**

This bill modifies the Motor Vehicles Code by amending provisions relating to child restraint devices and safety belts.

**Highlighted Provisions:**

This bill:

- ▶ requires that the operator of a motor vehicle shall provide for the protection of a person younger than eight years of age by using an appropriate child restraint device with certain exceptions; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

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

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

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

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



28 (1) (a) The operator of a motor vehicle operated on a highway shall:  
29 ~~[(a)]~~ (i) wear a properly adjusted and fastened safety belt;  
30 ~~[(b)]~~ (ii) provide for the protection of each person younger than ~~[five]~~ eight years of  
31 age by using a child restraint device to restrain each person in the manner prescribed by the  
32 manufacturer of the device; and

33 ~~[(c)]~~ (iii) provide for the protection of each person ~~[five]~~ eight years of age up to 16  
34 years of age by ~~[(i) using an appropriate child restraint device to restrain each person in the~~  
35 ~~manner prescribed by the manufacturer of the device; or (ii)]~~ securing, or causing to be  
36 secured, a properly adjusted and fastened safety belt on each person.

37 (b) Notwithstanding the requirement under Subsection (1)(a)(ii), a child under eight  
38 years of age who is 57 inches tall or taller:

39 (i) is exempt from the requirement in Subsection (1)(a)(ii) to be in a child restraint  
40 device; and

41 (ii) shall use a properly adjusted and fastened safety belt as required in Subsection  
42 (1)(a)(iii).

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

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

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

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**Legislative Review Note**  
**as of 1-17-08 1:28 PM**

**Office of Legislative Research and General Counsel**

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**H.B. 140 - Child Restraint Device Amendments**

**Fiscal Note**

2008 General Session  
State of Utah

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**State Impact**

Enactment of this bill will require \$12,000 per year from the General Fund appropriated to the Courts beginning in FY 2009. The bill will also generate \$6,000 per year in new General Fund revenue beginning in FY 2009, for a net General Fund impact of \$6,000 per year.

	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>	<u>FY 2010</u> <u>Revenue</u>
General Fund	\$0	\$12,000	\$12,000	\$0	\$6,000	\$6,000
<b>Total</b>	<b>\$0</b>	<b>\$12,000</b>	<b>\$12,000</b>	<b>\$0</b>	<b>\$6,000</b>	<b>\$6,000</b>

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**Individual, Business and/or Local Impact**

Motor vehicle operators may have additional costs to provide child restraint devices for children to conform to provisions of the bill.