

**Representative Lee B. Perry** proposes the following substitute bill:

**AMENDMENTS TO TRAFFIC CODE PROVISIONS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lee B. Perry**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Motor Vehicles Code by amending provisions relating to the operation of a motor vehicle.

**Highlighted Provisions:**

This bill:

- ▶ provides that secondary enforcement of the safety belt law does not apply to an operator of a vehicle;
- ▶ provides that careless driving includes committing certain traffic violations while being distracted through fatigue or illness; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**41-6a-1715**, as last amended by Laws of Utah 2010, Chapter 157

**41-6a-1803**, as last amended by Laws of Utah 2008, Chapter 160



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

Section 1. Section **41-6a-1715** is amended to read:

**41-6a-1715. Careless driving defined and prohibited.**

(1) A person operating a motor vehicle is guilty of careless driving if the person:

(a) commits two or more moving traffic violations under this chapter in a series of acts within a single continuous period of driving covering three miles or less in total distance; or

(b) commits a moving traffic violation under this chapter other than a moving traffic violation under Part 6, Speed Restrictions, while being distracted by one or more activities taking place within the vehicle that are not related to the operation of a motor vehicle, including:

(i) using a wireless telephone or other electronic device unless the person is using hands-free talking and listening features while operating the motor vehicle;

(ii) searching for an item in the vehicle; ~~or~~

(iii) attending to personal hygiene or grooming~~[-]; or~~

(iv) being distracted through fatigue or illness.

(2) A violation of this section is a class C misdemeanor.

(3) In addition to the penalty provided under this section or any other section, a judge may order the revocation of the convicted person's driver license if the violation causes or results in the death of another person in accordance with Subsection 53-3-218(6).

Section 2. Section **41-6a-1803** is amended to read:

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

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

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

(ii) provide for the protection of each person younger than eight years of age by using a child restraint device to restrain each person in the manner prescribed by the manufacturer of the device; and

(iii) provide for the protection of each person eight years of age up to 16 years of age by securing, or causing to be secured, a properly adjusted and fastened safety belt on each person.

(b) Notwithstanding the requirement under Subsection (1)(a)(ii), a child under eight

57 years of age who is 57 inches tall or taller:

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

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

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

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

67 (4) For a person 19 years of age or older who violates Subsection [~~(1)(a)(i) or~~] (2),  
68 enforcement by a state or local law enforcement officer shall be only as a secondary action  
69 when the [~~person~~] vehicle has been detained for a suspected violation, by any person in the  
70 vehicle, of Title 41, Motor Vehicles, other than Subsection [~~(1)(a)(i) or~~] (2), or for another  
71 offense.