

**SAFETY BELT AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Luz Robles**

House Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

This bill modifies the Traffic Code by amending provisions relating to safety belt restraint requirements.

**Highlighted Provisions:**

This bill:

► provides that a state or local law enforcement officer may only enforce the safety belt restraint requirement as a secondary action on a highway with a posted speed limit of less than 55 miles per hour; ~~and~~

► provides that ~~and~~ until July 1, 2014, a state or local law enforcement officer may not issue a citation to a

person 19 years of age or older who has been detained ~~and~~ [for the first time] ~~and~~ for a safety belt

violation that is enforced as a primary offense but shall issue the person a warning informing

the person that wearing a safety belt while operating or a passenger in a motor vehicle is

enforced as a primary offense on a highway with a posted speed limit of 55 miles per hour or

more; and ~~and~~

► makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

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



24

---

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

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

27 **41-6a-1803. Driver and passengers -- Safety belt or child restraint device**

28 **required.**

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

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

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

34 (iii) provide for the protection of each person from eight years of age [~~up~~] to 16 years  
35 of age by securing, or causing to be secured, a properly adjusted and fastened safety belt on  
36 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 is not wearing a  
46 safety belt, in violation of Subsection (1), it is only one offense and the driver may receive only  
47 one citation.

48 (4) (a) Except as provided in Subsection (4)(b), a state or local law enforcement officer  
49 shall enforce a violation of this section as a primary offense.

50 [~~(4)~~] (b) For a person 19 years of age or older who violates Subsection (1)(a)(i) or (2),  
51 enforcement by a state or local law enforcement officer shall be only as a secondary action  
52 [~~when~~] if the person:

53 (i) has been detained for a suspected violation of Title 41, Motor Vehicles, other than  
54 Subsection (1)(a)(i) or (2), or for another offense[-]; and

55 (ii) was operating the motor vehicle or was a passenger in a motor vehicle being  
56 operated on a highway with a posted speed limit of less than 55 miles per hour.

56a **§→ (c) §→ [A] Until July 1, 2014, a ←§ state or local law enforcement officer may not**  
56a1 **issue a citation to a person 19**  
56b **years of age or older who has been detained §→ [for the first time] ←§ for a violation of**  
56b1 **Subsection**  
56c **(1)(a)(i) or (2) that is enforced as a primary offense but shall issue the person a warning**  
56d **informing the person that wearing a safety belt in a motor vehicle is enforced as a primary**  
56e **offense on a highway with a posted speed limit of 55 miles per hour or more. ←§**

**Legislative Review Note**  
**as of 1-17-13 1:03 PM**

**Office of Legislative Research and General Counsel**