

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

**SAFETY BELT LAW AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lee B. Perry**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

► ~~H~~→ [~~repeals~~] amends ←~~H~~ the provision that provides that a state or local law enforcement officer may only enforce the safety belt restraint requirement as a secondary action in certain circumstances ~~H~~→ to only apply beginning on a specified date ←~~H~~ ;

~~H~~→ ► provides that until a specified date, a peace officer may not issue a citation to an individual for a violation if the person has not previously been warned for a violation but shall issue the individual a warning; ←~~H~~

- amends the requirements for the court to waive the fine for a safety belt violation;
- and
- makes technical corrections.

**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



26 **41-6a-1805**, as renumbered and amended by Laws of Utah 2005, Chapter 2

27

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

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

30 **41-6a-1803. Driver and passengers -- Seat belt or child restraint device required.**

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

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

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

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

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

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

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

45 (2) A ~~[passenger who is]~~ person 16 years of age or older ~~[of]~~ who is a passenger in a  
46 motor vehicle operated on a highway shall wear a properly adjusted and fastened safety belt.

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

50 ~~Ë→ [H]~~ (4) ~~[For]~~ Beginning on July 1, 2018, and for a person 19 years of age or  
50a **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 the person has been detained for a suspected violation of Title 41, Motor Vehicles, other**  
53 **than Subsection (1)(a)(i) or (2), or for another offense.** [H] ←Ë

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

55 **41-6a-1805. Penalty for violation.**

56 (1) (a) A person who violates Section **41-6a-1803** is guilty of an infraction and shall be

57 fined a maximum of \$45.

57a **Ĥ→ (b) Until July 1, 2018, a peace officer may not issue a citation to an individual for a**  
57b **violation of this section if the person has not previously been warned for a violation of this**  
57c **section but shall issue the individual a warning informing the individual that operating or**  
57d **being a passenger in a vehicle without wearing a properly adjusted and fastened safety belt is**  
57e **prohibited.**

58 ~~(b)~~ **(c)** ←Ĥ The court shall waive all [~~but \$15~~] of the fine for a violation of Section  
58a 41-6a-1803  
59 if a person:

60 (i) shows evidence of completion of a [~~two-hour~~] 30 minute course approved by the  
61 commissioner of the Department of Public Safety that includes education on the benefits of  
62 using a safety belt [~~and~~] or child restraint device; and

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

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