

SAFETY BELT LAW AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lee B. Perry

Senate Sponsor: Curtis S. Bramble

6	Cosponsors:	Rebecca P. Edwards	Paul Ray
7	Patrice M. Arent	Sandra Hollins	Edward H. Redd
8	Joel K. Briscoe	Don L. Ipson	Angela Romero
9	Rebecca Chavez-Houck	Brian S. King	Scott D. Sandall
10	Rich Cunningham	Justin J. Miller	Mark A. Wheatley
11	Jack R. Draxler	Carol Spackman Moss	
12	Susan Duckworth	Marie H. Poulson	

13

14 **LONG TITLE**

15 **General Description:**

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

18 **Highlighted Provisions:**

19 This bill:

- 20 ▶ amends the provision that provides that a state or local law enforcement officer may
21 only enforce the safety belt restraint requirement as a secondary action in certain
22 circumstances to only apply beginning on a specified date;
- 23 ▶ provides that until a specified date, a peace officer may not issue a citation to an
24 individual for a violation if the person has not previously been warned for a
25 violation but shall issue the individual a warning;
- 26 ▶ amends the requirements for the court to waive the fine for a safety belt violation;
- 27 and
- 28 ▶ makes technical corrections.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **41-6a-1803**, as last amended by Laws of Utah 2008, Chapter 160

36 **41-6a-1805**, as renumbered and amended by Laws of Utah 2005, Chapter 2



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

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

40 **41-6a-1803. Driver and passengers -- Seat belt or child restraint device required.**

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

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

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

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

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

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

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

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

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

60 (4) [~~For~~] Beginning on July 1, 2018, and for a person 19 years of age or older who
61 violates Subsection (1)(a)(i) or (2), enforcement by a state or local law enforcement officer
62 shall be only as a secondary action when the person has been detained for a suspected violation
63 of Title 41, Motor Vehicles, other than Subsection (1)(a)(i) or (2), or for another offense.

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

65 **41-6a-1805. Penalty for violation.**

66 (1) (a) A person who violates Section **41-6a-1803** is guilty of an infraction and shall be
67 fined a maximum of \$45.

68 (b) Until July 1, 2018, a peace officer may not issue a citation to an individual for a
69 violation of Section **41-6a-1803** if the person has not previously been warned for a violation of
70 Section **41-6a-1803** but shall issue the individual a warning informing the individual that
71 operating or being a passenger in a vehicle without wearing a properly adjusted and fastened
72 safety belt is prohibited.

73 [~~(b)~~] (c) The court shall waive all [~~but \$15~~] of the fine for a violation of Section
74 **41-6a-1803** if a person:

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

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

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