

**Part 18**  
**Motor Vehicle Safety Belt Usage Act**

**41-6a-1801 Short title.**

This part is known as the "Motor Vehicle Safety Belt Usage Act."

Renumbered and Amended by Chapter 2, 2005 General Session

**41-6a-1802 Definitions.**

As used in this part:

- (1) "Child restraint device" means a child restraint device that meets standards adopted under Section 41-6a-1601.
- (2) "Motor vehicle" means a vehicle defined in Section 41-1a-102, except vehicles that are not equipped with safety belts by the manufacturer.
- (3) "Safety belt" means a safety belt or seat belt system that meets standards adopted under Section 41-6a-1601.
- (4) "Seating position" means any area within the passenger compartment of a motor vehicle in which the manufacturer has installed a safety belt.

Renumbered and Amended by Chapter 2, 2005 General Session

**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 years of age who is 57 inches tall or taller:
    - (i) is exempt from the requirement in Subsection (1)(a)(ii) to be in a child restraint device; and
    - (ii) shall use a properly adjusted and fastened safety belt as required in Subsection (1)(a)(iii).
- (2) A person 16 years of age or older who is a passenger in a motor vehicle operated on a highway shall wear a properly adjusted and fastened safety belt.
- (3) If more than one person is not using a child restraint device or wearing a safety belt in violation of Subsection (1), it is considered only one offense, and the driver may receive only one citation for that offense.
- (4) Beginning on July 1, 2018, and for a person 19 years of age or older who violates Subsection (1)(a)(i) or (2), enforcement by a state or local law enforcement officer shall be only as a secondary action when the person has been detained for a suspected violation of Title 41, Motor Vehicles, other than Subsection (1)(a)(i) or (2), or for another offense.

Amended by Chapter 59, 2015 General Session

**41-6a-1804 Exceptions.**

- (1) This part does not apply to an operator or passenger of:
  - (a) a motor vehicle manufactured before July 1, 1966;
  - (b) a motor vehicle in which the operator or passengers possess a written verification from a licensed physician that the person is unable to wear a safety belt for physical or medical reasons; or
  - (c) a motor vehicle or seating position which is not required to be equipped with a safety belt system under federal law.
- (2) This part does not apply to a passenger if all seating positions are occupied by other passengers.

Renumbered and Amended by Chapter 2, 2005 General Session

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

- (1)
  - (a) A person who violates Section 41-6a-1803 is guilty of an infraction and shall be fined a maximum of \$45.
  - (b) Until July 1, 2018, a peace officer may not issue a citation to an individual for a violation of Section 41-6a-1803 if the person has not previously been warned for a violation of Section 41-6a-1803 but shall issue the individual a warning informing the individual that operating or being a passenger in a vehicle without wearing a properly adjusted and fastened safety belt is prohibited.
  - (c) The court shall waive all of the fine for a violation of Section 41-6a-1803 if a person:
    - (i) shows evidence of completion of a 30 minute course approved by the commissioner of the Department of Public Safety that includes education on the benefits of using a safety belt or child restraint device; and
    - (ii) if the violation is for an offense under Subsection 41-6a-1803(1)(b), submits proof of acquisition, rental, or purchase of a child restraint device.
- (2) Points for a motor vehicle reportable violation, as defined under Section 53-3-102, may not be assessed against a person for a violation of Section 41-6a-1803.

Amended by Chapter 59, 2015 General Session

**41-6a-1806 Compliance -- Civil litigation.**

The failure to use a child restraint device or to wear a safety belt:

- (1) does not constitute contributory or comparative negligence on the part of a person seeking recovery for injuries; and
- (2) may not be introduced as evidence in any civil litigation on the issue of negligence, injuries, or the mitigation of damages.

Renumbered and Amended by Chapter 2, 2005 General Session