

SAFETY BELT LAW AMENDMENTS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Robert F. Montgomery

AN ACT RELATING TO MOTOR VEHICLES; REQUIRING SAFETY BELTS OR CHILD RESTRAINT DEVICES FOR DRIVERS AND ALL PASSENGERS OF MOTOR VEHICLES; PROVIDING PENALTIES; AND AMENDING ENFORCEMENT AS A SECONDARY ACTION.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

41-6-183, as last amended by Chapter 5, Laws of Utah 1991

41-6-185, as last amended by Chapter 234, Laws of Utah 1993

41-6-186, as enacted by Chapter 186, Laws of Utah 1986

ENACTS:

41-6-181.5, Utah Code Annotated 1953

REPEALS AND REENACTS:

41-6-182, as last amended by Chapter 234, Laws of Utah 1993

REPEALS:

41-6-184, as last amended by Chapter 5, Laws of Utah 1991

41-6-148.20, as last amended by Chapter 270, Laws of Utah 1998

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

Section 1. Section **41-6-181.5** is enacted to read:

41-6-181.5. Definitions.

As used in this article:

(1) "Child restraint device" means a child restraint device approved by the commissioner of the Department of Public Safety.

(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 set by the

commissioner of the Department of Public Safety.

(4) "Seating position" means any area within the passenger compartment of a motor vehicle in which the manufacturer has installed a safety belt.

Section 2. Section **41-6-182** is repealed and reenacted to read:

41-6-182. Driver and passengers -- Seat belt or child restraint device required.

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

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

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

(c) provide for the protection of each person five years of age up to 16 years of age by using an appropriate child restraint device to restrain each person in the manner prescribed by the manufacturer of the device or by securing, or causing to be secured, a properly adjusted and fastened safety belt on each person.

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

(3) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commissioner of the Department of Public Safety shall set standards for approved safety belts and child restraint devices.

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

(5) For a person 19 years of age or older who violates Subsection (1)(a) 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) or (2), or for another offense.

Section 3. Section **41-6-183** is amended to read:

41-6-183. Exceptions.

(1) This article does not apply to a driver or [front seat] passenger of:

~~[(1)]~~ (a) a motor vehicle manufactured before July 1, 1966;

~~[(2)]~~ (b) a motor vehicle in which the driver or passengers possess a written verification from a licensed physician that the driver or passenger is unable to wear a safety ~~[seat]~~ belt ~~[system]~~ for physical or medical reasons; or

~~[(3)]~~ (c) a motor vehicle or seating position which is not required to be equipped with a safety ~~[seat]~~ belt system under federal law~~[-]~~.

~~[(4)]~~ a motor vehicle operated by a rural letter carrier of the United States Postal Service while performing the duties of a rural letter carrier; or

~~[(5)]~~ a motor vehicle engaged in pick up, delivery, or service operations involving repeated starts and stops and requiring the front seat occupant to frequently and repeatedly enter and leave the vehicle.]

(2) This article does not apply to a passenger if all seating positions are occupied by other passengers.

Section 4. Section **41-6-185** is amended to read:

41-6-185. Penalty for violation.

(1) (a) A person who violates Section 41-6-182 is guilty of an infraction and shall be fined a maximum of ~~[\$10]~~ \$45.

(b) The court shall waive all but \$15 of the fine for a violation of Section 41-6-182 if a person shows evidence of completion of a two-hour course approved by the commissioner of the Department of Public Safety that includes education on the benefits of using a safety belt and child restraint device.

(2) Points for a motor vehicle reportable violation, as defined under Section 53-3-102, may not be assessed against any person for a violation of Section 41-6-182.

(3) The court in which a charge is pending for a first violation of Subsection 41-6-182(1)(b) shall dismiss the action against a driver who, during or before any court appearance on the matter, submits proof of acquisition, rental, or purchase of a child restraint device as required by Subsection 41-6-182(1)(b).

Section 5. Section **41-6-186** is amended to read:

41-6-186. Compliance -- Civil litigation.

The failure to use a child restraint device or to wear a [seat] safety belt does not constitute contributory or comparative negligence on the part of a person seeking recovery for injuries, and may not be introduced as evidence in any civil litigation on the issue of negligence, injuries, or ~~[on]~~ the ~~[issue of]~~ mitigation of damages.

Section 6. Repealer.

This act repeals:

Section **41-6-148.20, Child restraint device required -- Violation as infraction --**

Dismissal of charge -- Failure not admissible as to negligence.

Section **41-6-184, Enforcement.**