

SEAT BELT ENFORCEMENT PROVISIONS

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Carol Spackman Moss

This act modifies the Motor Vehicle Code to ^h [clarify that the driver or a passenger 19 years of age and older may be cited in a secondary action for a separate safety belt violation if the vehicle has been detained for a suspected violation.] AMEND SAFETY BELT REQUIREMENTS BY MAKING THE REQUIREMENT TO WEAR A SAFETY BELT ONLY APPLY TO PERSONS UNDER 19 YEARS OF AGE. ^h

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

AMENDS:

41-6-182, as repealed and reenacted by Chapter 153, Laws of Utah 2000

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

Section 1. Section **41-6-182** is amended 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) ^h **IF THE DRIVER IS UNDER 19 YEARS OF AGE** ^h 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 ^h [~~16 years of age or older~~] **UNDER 19 YEARS OF AGE** ^h 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.



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

31 ~~h [(5) For a person 19 years of age or older who violates Subsection (1)(a) or (2),~~
32 ~~enforcement by a state or local law enforcement officer shall be only as a secondary action~~
33 ~~when the [person] vehicle has been detained for a suspected violation by any person in the~~
34 ~~vehicle of Title 41, Motor Vehicles, other than Subsection (1)(a) or (2), or for another offense.] h~~

Legislative Review Note
as of 9-30-02 3:42 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Interim Committee Note
as of 12-12-02 10:42 AM

The Transportation Interim Committee recommended this bill.

Fiscal Note
Bill Number HB0008

Seat Belt Enforcement Provisions

11-Jan-03

4:06 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst