

CHILD RESTRAINT DEVICE AMENDMENTS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tim M. Cosgrove

Senate Sponsor: Gregory S. Bell

Cosponsor: Carol Spackman Moss

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by amending provisions related to child restraint devices and safety belts.

Highlighted Provisions:

This bill:

- ▶ provides that the operator of a motor vehicle shall provide for the protection of a person younger than eight years of age and under 57 inches tall by using a child restraint device;

- ▶ provides that the operator of a motor vehicle shall provide for the protection of a person eight ~~to~~ [s] ~~to~~ year ~~to~~ s ~~to~~ of age or 57 inches tall or taller up to 16 years of age by using an

appropriate child restraint device or securing a properly adjusted and fastened safety belt; and

- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



H.B. 1111 LEGISLATIVE GENERAL COUNSEL
⌘ Approved for Filing: S.C. Halverson ⌘
⌘ 01-16-06 3:14 PM ⌘

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28 **41-6a-1803**, as renumbered and amended by Chapter 2, Laws of Utah 2005

29

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

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

32 **41-6a-1803. Driver and passengers -- Seat belt or child restraint device required.**

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

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

35 (b) provide for the protection of each person younger than [~~five~~] eight years of age and
36 under 57 inches tall by using a child restraint device to restrain each person in the manner
37 prescribed by the manufacturer of the device; and

38 (c) provide for the protection of each person [~~five~~] eight years of age or 57 inches tall
39 or taller up to 16 years of age by:

40 (i) using an appropriate child restraint device to restrain each person in the manner
41 prescribed by the manufacturer of the device; or

42 (ii) securing, or causing to be secured, a properly adjusted and fastened safety belt on
43 each person.

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

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

49 (4) For a person 19 years of age or older who violates Subsection (1)(a) or (2),
50 enforcement by a state or local law enforcement officer shall be only as a secondary action
51 when the person has been detained for a suspected violation of Title 41, Motor Vehicles, other
52 than Subsection (1)(a) or (2), or for another offense.



Legislative Review Note

as of 1-16-06 1:46 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0111

Child Restraint Device Amendments

24-Jan-06

8:01 AM

State Impact

No fiscal impact.

Individual and Business Impact

Motor vehicle operators may have additional costs to provide child restraint devices for children up to eight years of age to conform to provisions of the bill.

Office of the Legislative Fiscal Analyst