1 CHILD RESTRAINT DEVICE AMENDMENTS 2 2006 GENERAL SESSION 3 STATE OF UTAH 4 **Chief Sponsor: Tim M. Cosgrove** Senate Sponsor: Gregory S. Bell 5 6 Carol Spackman Moss Cosponsor: 7 8 LONG TITLE 9 **General Description:** 10 This bill modifies the Motor Vehicles Code by amending provisions related to child 11 restraint devices and safety belts. 12 **Highlighted Provisions:** 13 This bill: 14 • provides that the operator of a motor vehicle shall provide for the protection of a 15 person younger than eight years of age and under 57 inches tall by using a child 16 restraint device; 17 • provides that the operator of a motor vehicle shall provide for the protection of a 18 person eights year of age or 57 inches tall or taller up to 16 years of age by using an 19 appropriate child restraint device or securing a properly adjusted and fastened safety 20 belt; and 21 makes technical changes. 22 **Monies Appropriated in this Bill:** 23 None **Other Special Clauses:** 24 25 None **Utah Code Sections Affected:** 26

27 AMENDS:

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# H.B. 111

28	<b>41-6a-1803</b> , as renumbered and amended by Chapter 2, Laws of Utah 2005
29 60	Be it enacted by the Legislature of the state of Utah:
51	Section 1. Section <b>41-6a-1803</b> is amended to read:
52	41-6a-1803. Driver and passengers Seat belt or child restraint device required.
3	(1) The operator of a motor vehicle operated on a highway shall:
4	(a) wear a properly adjusted and fastened safety belt;
5	(b) provide for the protection of each person younger than [five] eight years of age and
6	under 57 inches tall by using a child restraint device to restrain each person in the manner
7	prescribed by the manufacturer of the device; and
8	(c) provide for the protection of each person [five] eight years of age or 57 inches tall
9	or taller up to 16 years of age by:
0	(i) using an appropriate child restraint device to restrain each person in the manner
1	prescribed by the manufacturer of the device; or
2	(ii) securing, or causing to be secured, a properly adjusted and fastened safety belt on
3	each person.
4	(2) A passenger who is 16 years of age or older of a motor vehicle operated on a
5	highway shall wear a properly adjusted and fastened safety belt.
6	(3) If more than one person is not using a child restraint device or wearing a safety belt
7	in violation of Subsection (1), it is only one offense and the driver may receive only one
8	citation.
9	(4) For a person 19 years of age or older who violates Subsection (1)(a) or (2),
0	enforcement by a state or local law enforcement officer shall be only as a secondary action
1	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

### 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