

CHILD RESTRAINT DEVICE AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tim M. Cosgrove

Senate Sponsor: Gregory S. Bell

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ requires that the operator of a motor vehicle shall provide for the protection of a person younger than eight years of age by using an appropriate child restraint device with certain exceptions; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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:

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

30 ~~[(b)]~~ (ii) provide for the protection of each person younger than ~~[five]~~ eight years of age
31 by using a child restraint device to restrain each person in the manner prescribed by the
32 manufacturer of the device; and

33 ~~[(c)]~~ (iii) provide for the protection of each person ~~[five]~~ eight years of age up to 16
34 years of age by~~[-(i) using an appropriate child restraint device to restrain each person in the~~
35 ~~manner prescribed by the manufacturer of the device; or (ii)]~~ securing, or causing to be secured,
36 a properly adjusted and fastened safety belt on each person.

37 (b) Notwithstanding the requirement under Subsection (1)(a)(ii), a child under eight
38 years of age who is 57 inches tall or taller:

39 (i) is exempt from the requirement in Subsection (1)(a)(ii) to be in a child restraint
40 device; and

41 (ii) shall use a properly adjusted and fastened safety belt as required in Subsection
42 (1)(a)(iii).

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

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

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