

28 **41-6a-1803. Driver and passengers -- Seat belt or child restraint device required.**

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

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

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

34 (iii) provide for the protection of each person eight years of age up to 16 years of age
35 by securing, or causing to be secured, a properly adjusted and fastened safety belt on each
36 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
47 citation.

48 (4) (a) As used in this Subsection (4):

49 (i) "Commercial vehicle" means:

50 (A) any vehicle driven by an employer's employee or authorized worker for work
51 transportation as a company car or vanpool vehicle;

52 (B) a tow truck as defined in Section 72-9-102;

53 (C) a vehicle that is used or licensed as a taxicab or limousine; and

54 (D) a motor vehicle, trailer, or semitrailer used or maintained for business,
55 compensation, or profit to transport passengers or property on a highway.

56 (ii) "Local agency" has the same meaning as defined in Section 63A-9-101.

57 (iii) "Public vehicle" means:

58 (A) a state vehicle as defined in Section 63A-9-101; or

59 (B) a motor vehicle owned, operated, or in possession of a local agency.
60 ~~[(4) For]~~ (b) Except as provided in Subsection (4)(c), a person 19 years of age or older
61 who violates Subsection (1)(a)(i) or (2), enforcement by a state or local law enforcement officer
62 shall be only as a secondary action when the person has been detained for a suspected violation
63 of Title 41, Motor Vehicles, other than Subsection (1)(a)(i) or (2), or for another offense.
64 (c) The secondary enforcement provision under Subsection (4)(b) does not apply to a
65 person 19 years of age or older if the person is operating:
66 (i) a commercial vehicle; or
67 (ii) a public vehicle.

Legislative Review Note
as of 2-5-09 4:07 PM

Office of Legislative Research and General Counsel

S.B. 179 - Safety Belt Enforcement Amendments

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or businesses. Local governments may incur costs and off-setting revenue associated with enforcement.
