

CHILD RESTRAINT DEVICE AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christopher N. Herrod

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Motor Vehicle Safety Belt Usage Act by amending provisions relating to child restraint device requirements.

Highlighted Provisions:

This bill:

▶ provides that an operator of a motor vehicle is exempt from the requirement to use a child restraint device to restrain a person who is five years of age or older but younger than eight years of age if:

- the operator of the motor vehicle is operating a motor vehicle directly to or from the operator's residence and certain locations;

- the distance from the operator's residence to or from certain locations is four miles or less; ~~H~~→ [and]

- the operator of the motor vehicle is operating the motor vehicle on a highway with a posted speed limit that does not exceed 45 miles per hour; and ~~H~~

- all available child restraint devices in the vehicle are being occupied;

▶ provides that an operator of a vehicle shall provide for the protection of the person who is five years of age or older but younger than eight years of age by securing the person in a properly adjusted and fastened safety belt; and

▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **41-6a-1803**, as last amended by Laws of Utah 2008, Chapter 160

32 **41-6a-1805**, as renumbered and amended by Laws of Utah 2005, Chapter 2



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

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

36 **41-6a-1803. Driver and passengers -- Seat belt or child restraint device required.**

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

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

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

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

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

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

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

51 (c) Notwithstanding the requirement under Subsection (1)(a)(ii), a person:

52 (i) is not required to use a child restraint device to restrain a person who is five years of
53 age or older but younger than eight years of age if:

54 (A) the operator of the motor vehicle is operating the motor vehicle directly to or from:

55 (I) the operator's residence; and

56 (II) (Aa) a school where one of the passengers is enrolled;

57 (Bb) a church sponsored activity; or

58 (Cc) an organized recreational activity;

59 (B) the distance from the operator's residence and the location described in Subsection
 60 (1)(c)(i)(A)(II) is four miles or less; ~~H~~→ [and]

60a (C) the operator of the motor vehicle is operating the motor vehicle on a highway with a
 60b posted speed limit that does not exceed 45 miles per hour; and

61 [~~C~~] (D) ←~~H~~ all available child restraint devices in the vehicle are being occupied; and
 62 (ii) shall provide for the protection of a person described in this Subsection (1)(c) by
 63 securing, or causing to be secured, a properly adjusted and fastened safety belt on the person.

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

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

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

73 Section 2. Section **41-6a-1805** is amended to read:

74 **41-6a-1805. Penalty for violation.**

75 (1) (a) A person who violates Section 41-6a-1803 is guilty of an infraction and shall be
 76 fined a maximum of \$45.

77 (b) The court shall waive all but \$15 of the fine for a violation of Section 41-6a-1803 if
 78 a person:

79 (i) shows evidence of completion of a two-hour course approved by the commissioner
 80 of the Department of Public Safety that includes education on the benefits of using a safety belt
 81 and child restraint device; and

82 (ii) if the violation is for an offense under Subsection 41-6a-1803(1)[~~(b)~~](a)(ii),
 83 submits proof of acquisition, rental, or purchase of a child restraint device.

84 (2) Points for a motor vehicle reportable violation, as defined under Section 53-3-102,
 85 may not be assessed against a person for a violation of Section 41-6a-1803.

Legislative Review Note
as of 1-27-10 2:34 PM

Office of Legislative Research and General Counsel

H.B. 113 - Child Restraint Device Amendments

Fiscal Note

2010 General Session
State of Utah

State Impact

Provisions of the bill will reduce Federal Funds revenues to the Department of Public Safety by \$151,700 annually beginning FY 2011.

| | <u>FY 2010</u> <u>Approp.</u> | <u>FY 2011</u> <u>Approp.</u> | <u>FY 2012</u> <u>Approp.</u> | <u>FY 2010</u> <u>Revenue</u> | <u>FY 2011</u> <u>Revenue</u> | <u>FY 2012</u> <u>Revenue</u> |
|---------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| Federal Funds | \$0 | \$0 | \$0 | \$0 | (\$151,700) | (\$151,700) |
| Total | \$0 | \$0 | \$0 | \$0 | (\$151,700) | (\$151,700) |

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.