

SAFETY BELT ENFORCEMENT AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lee B. Perry

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Traffic Code by amending provisions relating to safety belt restraint enforcement provisions.

Highlighted Provisions:

This bill:

- ▶ provides that a state or local law enforcement officer may only enforce the safety belt restraint requirement as a secondary action on a highway with a posted speed limit of 45 miles per hour or less; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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 -- Safety belt or child restraint device



28 **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 from eight years of age ~~[up]~~ to 16 years
35 of age by securing, or causing to be secured, a properly adjusted and fastened safety belt on
36 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]~~ person 16 years of age or older ~~[of]~~ who is a passenger in a
44 motor vehicle operated on a 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 considered only one offense, and the driver may receive
47 only one citation for that offense.

48 (4) (a) Except as provided in Subsection (4)(b), a state or local law enforcement officer
49 shall enforce a violation of this section as a primary offense.

50 ~~[(4)]~~ (b) For a person 19 years of age or older who violates Subsection (1)(a)(i) or (2),
51 enforcement by a state or local law enforcement officer shall be only as a secondary action
52 ~~[when]~~ if the person:

53 (i) has been detained for a suspected violation of Title 41, Motor Vehicles, other than
54 Subsection (1)(a)(i) or (2), or for another offense[-]; and

55 (ii) was operating the motor vehicle or was a passenger in a motor vehicle being
56 operated on a highway with a posted speed limit of 45 miles per hour or less.

Legislative Review Note
as of 1-23-13 2:35 PM

Office of Legislative Research and General Counsel