

## HB0079S01 compared with HB0079

~~deleted text~~ shows text that was in HB0079 but was deleted in HB0079S01.

inserted text shows text that was not in HB0079 but was inserted into HB0079S01.

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Representative Lee B. Perry proposes the following substitute bill:

### SAFETY BELT LAW AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lee B. Perry**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

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

##### Highlighted Provisions:

This bill:

- ▶ repeals the provision that provides that a state or local law enforcement officer may only enforce the safety belt restraint requirement as a secondary action in certain circumstances;
- ▶ amends the requirements for the court to waive the fine for a safety belt violation;
- and
- ▶ makes technical corrections.

##### Money Appropriated in this Bill:

## HB0079S01 compared with HB0079

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

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

[41-6a-1805, as renumbered and amended by Laws of Utah 2005, Chapter 2](#)

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*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:

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

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

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

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

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

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

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

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

~~[(4) For a person 19 years of age or older who violates Subsection (1)(a)(i) or (2),~~

## HB0079S01 compared with HB0079

enforcement by a state or local law enforcement officer shall be only as a secondary action when the person has been detained for a suspected violation of Title 41, Motor Vehicles, other than Subsection (1)(a)(i) or (2), or for another offense.]

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### Legislative Review Note

— as of ~~1-2-15 10:38 AM~~

— ~~Office of Legislative Research and General Counsel;~~ Section 2. Section 41-6a-1805 is amended to read:

#### 41-6a-1805. Penalty for violation.

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

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

(i) shows evidence of completion of a [two-hour] 30 minute course approved by the commissioner of the Department of Public Safety that includes education on the benefits of using a safety belt [and] or child restraint device; and

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

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