

House Research Act Summary

CHAPTER: 165 (H.F. 108)

SESSION: 2009 Regular Session

TOPIC: Seat belt requirements; speed limits

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Overview

This act modifies regulation of seat belts, to:

- Require that everyone traveling in a passenger-type vehicle or commercial motor vehicle must wear a seat belt;
- Make failure to wear a seat belt a “primary offense,” which allows issuance of citations solely based on a seat belt violation;
- Modify fines paid by a vehicle driver for certain passenger seat belt noncompliance;
- Apply the same seat belt requirements to instruction permit and provisional driver’s license holders.

The seat belt provisions are effective June 9, 2009. The act also raises the speed limit when passing on some two-lane highways.

Section

- 1 Increased speed limit when passing.** The act raises the speed limit by 10 miles per hour when lawfully passing, if:
 - It is on a two-lane highway;
 - The speed limit is 55 or higher;
 - Both vehicles are going the same direction; and
 - All other driving rules are followed.
- 2 Seat belt requirement.** Makes multiple changes related to seat belt use and traffic stops.

- Requires that everyone riding in a passenger-type vehicle or a commercial motor vehicle must wear a seat belt. Prior to the change, a seat belt had to be worn by the driver, front seat passengers, and any passengers under age 11.
- Expands the types of vehicles for which the seat belt provision applies, to include type III vehicles and type III Head Start vehicles.
- Modifies the cases when the driver can be cited for a seat belt violation due to failure of a passenger to wear a seat belt, so that the driver can be cited when any passenger under age 15 who requires a seat belt is not wearing one.
- Clarifies that the driver can be subject to more than one \$25 fine for failure to wear a seat belt (which would occur if the driver is cited for failure of passengers under age 15 to wear a seat belt).
- Eliminates a provision prohibiting issuance of a citation for failure to wear a seat belt unless the issuing officer stopped the vehicle for some other moving violation. This makes violation of the seat belt statute a primary offense.

- 3** **Definitions.** Defines “passenger vehicle,” “pickup truck,” and “van” for purposes of the seat belt provision.
- 4** **Seat belt exemptions.** Clarifies an exception from the mandatory seat belts law, when riding in a vehicle where all seating positions that have seat belts are occupied. Modifies an exemption for farm work to use a broader pickup truck definition.
- 5** **Instruction permit use by person under age 18.** Makes conforming changes, to eliminate specific seatbelt use requirements for when the driver is under age 18 and has an instruction permit. (The general requirements outlined in section 1 instead apply.)
- 6** **Use of provisional license.** Makes conforming changes, to eliminate specific seatbelt use requirements for when the driver has a provisional driver’s license. (The general requirements outlined in section 1 instead apply.)