

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 108
Version: First engrossment
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Subject: Seat belt requirements
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DATE: April 14, 2009

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Overview

This bill 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;
- Lower the surcharge from \$75 to \$25; and
- Apply the same seat belt requirements to instruction permit and provisional driver’s license holders.

The provisions are effective June 9, 2009.

Section

1 Seat belt requirement. Makes various changes related to seat belt use and violations.

- Requires that all people riding in a passenger-type vehicle or commercial motor vehicle must wear a seat belt. The provision applies to commuter vans, pickup trucks, type III vehicles, and type III Head Start vehicles. Removes an exemption from the seat belt use requirement for passengers in the back seat of passenger vehicles who are 12 years old or older. Under current law, a seat belt must be worn by the driver, front seat passengers, and any passengers under age 11, and the provision applies to a smaller set of types of vehicles.
- 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, which makes violation of the seat belt statute a primary offense.
- Makes the driver, instead of the violator, subject to \$25 fines for each person under age 15 who violates the seat belt use requirement. Also specifies that only

one surcharge applies when a driver is fined for multiple seatbelt violations. Current law, in which passengers over age 15 are subject to the fine themselves, remains unchanged.

- 2 **Definitions.** Defines “passenger vehicle,” “pickup truck,” and “van” for purposes of the seat belt provision.
- 3 **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.
- 4 **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.)
- 5 **Use of provision 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.)
- 6 **Surcharges on criminal and traffic offenders.** Lowers the surcharge for violation of the seat belt provision to \$25 (from \$75 under current law).
- 7 **Disbursement of surcharges by commissioner of finance.** Allocates funds from the seat belt violation surcharge:
 - (1) 40 percent to peace officer training; and
 - (2) 60 percent to the general fund.