



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **41-6a-1803**, as last amended by Laws of Utah 2008, Chapter 160

33 ENACTS:

34 **41-6a-1717**, Utah Code Annotated 1953



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

37 Section 1. Section **41-6a-1717** is enacted to read:

38 **41-6a-1717. Driving while alertness is impaired or inattentive driving prohibited.**

39 (1) An operator of a vehicle may not drive the vehicle while the operator's ability or  
40 alertness is so impaired through fatigue, illness, or any other cause as to make it unsafe for the  
41 operator to drive the vehicle.

42 (2) An owner or person in control of a vehicle may not knowingly permit the vehicle to  
43 be operated by any person who is impaired through fatigue, illness, or any other cause to such  
44 an extent that the person's judgment or driving ability is impaired.

45 (3) An operator of a vehicle may not operate a vehicle in any manner when the operator  
46 is inattentive, and such inattention is not reasonable and prudent in maintaining vehicular  
47 control.

48 (4) A violation of this section is a class C misdemeanor.

49 Section 2. Section **41-6a-1803** is amended to read:

50 **41-6a-1803. Driver and passengers -- Seat belt or child restraint device required.**

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

52 (i) wear a properly adjusted and fastened safety belt to maintain proper physical control  
53 of the vehicle;

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

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

59 person.

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

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

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

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

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

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

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**Legislative Review Note**  
as of 1-28-11 1:42 PM

**Office of Legislative Research and General Counsel**

# FISCAL NOTE

H.B. 95

SHORT TITLE: Amendments to Traffic Code Provisions

SPONSOR: Perry, L.

2011 GENERAL SESSION, STATE OF UTAH

## STATE GOVERNMENT (UCA 36-12-13(2)(b))

By expanding the instances under which an individual can receive a traffic citation, this bill increases General Fund revenue by \$3,500 and restricted revenue by \$29,000. The bill may cost the Courts \$4,300 per year for hearing an estimated 50 cases.

### STATE BUDGET DETAIL TABLE

	FY 2011	FY 2012	FY 2013
<b>Revenue:</b>			
General Fund	\$0	\$3,500	\$3,500
Restricted Funds	\$0	\$29,000	\$29,000
Total Revenue	\$0	\$32,500	\$32,500
<b>Expenditure:</b>			
General Fund	\$0	\$4,300	\$4,300
Total Expenditure	\$0	\$4,300	\$4,300
Net Impact, All Funds (Rev.-Exp.)	\$0	\$28,200	\$28,200
Net Impact, General/Education Funds	\$0	(\$800)	(\$800)

## LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Local governments can expect an increase in fine revenue of \$13,500.

## DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Individuals in violation of new offenses established in the bill may pay fines.