

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 119

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO SAFETY RESTRAINT USE; AMENDING SECTION 49-673, IDAHO CODE, TO
2 REVISE PROVISIONS RELATING TO ENFORCEMENT OF SPECIFIED LAW ONLY AS A
3 SECONDARY ACTION, TO PROVIDE THAT ENFORCEMENT OF SPECIFIED LAW BY LAW
4 ENFORCEMENT OFFICERS MAY BE ACCOMPLISHED AS A PRIMARY ACTION WITHOUT
5 REGARD TO WHETHER THE OPERATOR OF THE MOTOR VEHICLE HAS BEEN DETAINED
6 FOR ANY OTHER SUSPECTED VIOLATION OF LAW FOR MOTOR VEHICLE OPERATORS OF
7 A SPECIFIED AGE, TO PROVIDE THAT UNDER CERTAIN CONDITIONS NO CITATION
8 FOR ANY OFFENSE MAY BE ISSUED AND TO MAKE TECHNICAL CORRECTIONS.
9

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Section 49-673, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 49-673. SAFETY RESTRAINT USE. (1) Except as provided in section
14 49-672, Idaho Code, and subsection (2) of this section, each occupant of a
15 motor vehicle which has a gross vehicle weight of not more than eight thou-
16 sand (8,000) pounds, and which was manufactured with safety restraints in
17 compliance with federal motor vehicle safety standard no. 208, shall have
18 a safety restraint properly fastened about his body at all times when the
19 vehicle is in motion.

20 (2) The provisions of this section shall not apply to:

21 (a) An occupant of a motor vehicle who possesses a written statement
22 from a licensed physician that he is unable for medical reasons to wear a
23 safety restraint;

24 (b) Occupants of motorcycles, implements of husbandry and emergency
25 vehicles;

26 (c) Occupants of seats of a motor vehicle in which all safety restraints
27 are then properly in use by other occupants of that vehicle; or

28 (d) Mail carriers.

29 (3) (a) A citation may be issued to:

30 (i) Any occupant of the motor vehicle aged eighteen (18) years
31 or older who fails to wear a safety restraint as required in this
32 section; and

33 (ii) The operator of the motor vehicle if the operator is aged
34 eighteen (18) years or older and any occupant under eighteen (18)
35 years of age who fails to wear a safety restraint as required in
36 this section. For purposes of this paragraph (a) (ii), it shall
37 be deemed a single violation regardless of the number of occupants
38 not properly restrained.

39 (b) A person issued a citation pursuant to this subsection shall be sub-
40 ject to a fine of ten dollars (\$10.00), with five dollars (\$5.00) of such
41 fine to be apportioned to the catastrophic health care cost fund, as set
42 forth in section 57-813, Idaho Code. A conviction under this subsec-

1 tion shall not result in violation point counts as prescribed in section
2 49-326, Idaho Code, nor shall such a conviction be deemed to be a moving
3 traffic violation for the purpose of establishing rates of motor vehi-
4 cle insurance charged by a casualty insurer.

5 (4) A citation may be issued to the operator of the motor vehicle if the
6 operator is under eighteen (18) years of age and the operator or any other
7 occupant who is under eighteen (18) years of age fails to wear a safety re-
8 straint as required in this section. For purposes of this subsection, it
9 shall be deemed a single violation regardless of the number of occupants not
10 properly restrained. A person issued a citation pursuant to this subsection
11 shall be subject to a fine of ten dollars (\$10.00), five dollars (\$5.00) of
12 such fine to be apportioned to the catastrophic health care cost fund as set
13 forth in section 57-813, Idaho Code, plus court costs. A conviction under
14 this subsection shall not result in violation point counts as prescribed in
15 section 49-326, Idaho Code. In addition, a conviction under this subsection
16 shall not be deemed to be a moving traffic violation for the purpose of estab-
17 lishing rates of motor vehicle insurance charged by a casualty insurer.

18 (5) When the operator of the motor vehicle is age nineteen (19) years or
19 older, enforcement of this section by law enforcement officers may be ac-
20 complished only as a secondary action when the operator of the motor vehicle
21 has been detained for a suspected violation of another law. When the opera-
22 tor of the motor vehicle is between the ages of fourteen (14) years and eigh-
23 teen (18) years inclusive, enforcement of this section by law enforcement
24 officers may be accomplished as a primary action without regard to whether
25 the operator of the motor vehicle has been detained for any other suspected
26 violation of law. Provided however, if following a stop based upon intended
27 enforcement of this section as a primary action, the law enforcement officer
28 determines that the operator of the motor vehicle is age nineteen (19) years
29 or older, no citation for any offense may be issued to the operator.

30 (6) The department shall initiate and conduct an educational program,
31 to the extent sufficient private donations or federal funds for this spe-
32 cific purpose are available to the department, to encourage compliance with
33 the provisions of this section and to publicize the effectiveness of use of
34 safety restraints and other restraint devices in reducing risk of harm to oc-
35 cupants of motor vehicles.

36 (7) The department shall evaluate the effectiveness of the provisions
37 of this section and shall include a report of its findings in its annual eval-
38 uation report on the Idaho highway safety plan which it submits to the na-
39 tional highway traffic safety administration and federal highway adminis-
40 tration pursuant to 23 U.S.C. section 402.

41 (8) The failure to use a safety restraint shall not be considered under
42 any circumstances as evidence of contributory or comparative negligence,
43 nor shall such failure be admissible as evidence in any civil action with
44 regard to negligence.