

IN THE SENATE

SENATE BILL NO. 1312

BY TRANSPORTATION COMMITTEE

AN ACT

1 RELATING TO SAFETY RESTRAINTS; AMENDING SECTION 49-673, IDAHO CODE, TO
2 ESTABLISH PROVISIONS REGARDING THE ISSUANCE OF A CERTAIN WARNING AND
3 OF A CERTAIN CITATION, TO INCREASE A CERTAIN FINE AMOUNT AND TO MAKE
4 TECHNICAL CORRECTIONS; REPEALING SECTION 49-673, IDAHO CODE, RELATING
5 TO SAFETY RESTRAINT USE; AMENDING CHAPTER 6, TITLE 49, IDAHO CODE, BY
6 THE ADDITION OF A NEW SECTION 49-673, IDAHO CODE, REGARDING SAFETY RE-
7 STRAINT USE; AND PROVIDING AN EFFECTIVE DATE.
8

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

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

12 49-673. SAFETY RESTRAINT USE. (1) Except as provided in section
13 49-672, Idaho Code, and subsection (2) of this section, each occupant of a
14 motor vehicle that has a gross vehicle weight of not more than eight thousand
15 (8,000) pounds, and that was manufactured with safety restraints in compli-
16 ance with federal motor vehicle safety standard no. 208, shall have a safety
17 restraint properly fastened about his body at all times when the vehicle is
18 in motion.

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

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

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

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

27 (d) Mail carriers.

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

29 (i) Any occupant of the motor vehicle age eighteen (18) years or
30 older who fails to wear a safety restraint as required in this sec-
31 tion; and

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

38 (b) A person issued a citation pursuant to this subsection shall be sub-
39 ject to a fine of ten dollars (\$10.00), with five dollars (\$5.00) of such
40 fine to be apportioned to the catastrophic health care cost fund, as set
41 forth in section 57-813, Idaho Code. A conviction under this subsec-
42 tion shall not result in violation point counts as prescribed in section

1 49-326, Idaho Code, nor shall such a conviction be deemed to be a moving
2 traffic violation for the purpose of establishing rates of motor vehi-
3 cle insurance charged by a casualty insurer.

4 (4) (a) Except as provided in paragraph (b) of this subsection, a
5 citation may be issued to the operator of the motor vehicle if the oper-
6 ator 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
8 restraint as required in this section. For purposes of this subsection,
9 it shall be deemed a single violation regardless of the number of oc-
10 cupants not properly restrained. A person issued a citation pursuant
11 to this subsection shall be subject to a fine of ~~ten~~ forty-five dollars
12 (\$~~10~~45.00), five dollars (\$5.00) of such fine to be apportioned to the
13 catastrophic health care cost fund as set forth in section 57-813, Idaho
14 Code, plus court costs. A conviction under this subsection shall not
15 result in violation point counts as prescribed in section 49-326, Idaho
16 Code. In addition, a conviction under this subsection shall not be
17 deemed to be a moving traffic violation for the purpose of establishing
18 rates of motor vehicle insurance charged by a casualty insurer.

19 (b) Between July 1, 2016, and June 30, 2017, a law enforcement offi-
20 cer may not issue a citation to an individual for a violation of para-
21 graph (a) of this subsection, but shall issue the operator or passenger
22 a warning informing the operator or passenger that operating or being a
23 passenger in a vehicle without wearing a safety restraint is a violation
24 of this section. On and after July 1, 2017, law enforcement officers may
25 issue a citation pursuant to paragraph (a) of this subsection as a pri-
26 mary action.

27 (5) Except as provided in subsection (4)(b) of this section,
28 enforcement of this section by law enforcement officers may be accomplished
29 only as a secondary action when the operator of the motor vehicle has been
30 detained for a suspected violation of another law.

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

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

42 SECTION 2. That Section [49-673](#), Idaho Code, be, and the same is hereby
43 repealed.

44 SECTION 3. That Chapter 6, Title 49, Idaho Code, be, and the same is
45 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
46 ignated as Section 49-673, Idaho Code, and to read as follows:

47 49-673. SAFETY RESTRAINT USE. (1) Except as provided in section
48 49-672, Idaho Code, and subsection (2) of this section, each occupant of a

1 motor vehicle that has a gross vehicle weight of not more than eight thousand
2 (8,000) pounds, and that was manufactured with safety restraints in compli-
3 ance with federal motor vehicle safety standard no. 208, shall have a safety
4 restraint properly fastened about his body at all times when the vehicle is
5 in motion.

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

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

10 (b) Occupants of motorcycles, implements of husbandry and emergency
11 vehicles;

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

14 (d) Mail carriers.

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

16 (i) Any occupant of the motor vehicle age eighteen (18) years or
17 older who fails to wear a safety restraint as required in this sec-
18 tion; and

19 (ii) The operator of the motor vehicle if the operator is age eigh-
20 teen (18) years or older and any occupant under eighteen (18) years
21 of age who fails to wear a safety restraint as required in this sec-
22 tion. For purposes of this subparagraph, it shall be deemed a sin-
23 gle violation regardless of the number of occupants not properly
24 restrained.

25 (b) A person issued a citation pursuant to this subsection shall be sub-
26 ject to a fine of ten dollars (\$10.00), with five dollars (\$5.00) of such
27 fine to be apportioned to the catastrophic health care cost fund, as set
28 forth in section 57-813, Idaho Code. A conviction under this subsec-
29 tion shall not result in violation point counts as prescribed in section
30 49-326, Idaho Code, nor shall such a conviction be deemed to be a moving
31 traffic violation for the purpose of establishing rates of motor vehi-
32 cle insurance charged by a casualty insurer.

33 (4) A citation may be issued to the operator of the motor vehicle if the
34 operator is under eighteen (18) years of age and the operator or any other
35 occupant who is under eighteen (18) years of age fails to wear a safety re-
36 straint as required in this section. For purposes of this subsection, it
37 shall be deemed a single violation regardless of the number of occupants not
38 properly restrained. A person issued a citation pursuant to this subsec-
39 tion shall be subject to a fine of forty-five dollars (\$45.00), five dollars
40 (\$5.00) of such fine to be apportioned to the catastrophic health care cost
41 fund as set forth in section 57-813, Idaho Code, plus court costs. A convic-
42 tion under this subsection shall not result in violation point counts as pre-
43 scribed in section 49-326, Idaho Code. In addition, a conviction under this
44 subsection shall not be deemed to be a moving traffic violation for the pur-
45 pose of establishing rates of motor vehicle insurance charged by a casualty
46 insurer.

47 (5) Enforcement of this section by law enforcement officers may be ac-
48 complished only as a secondary action when the operator of the motor vehicle
49 has been detained for a suspected violation of another law.

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

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

12 SECTION 4. The provisions of Sections 2 and 3 of this act shall be in
13 full force and effect on and after July 1, 2019.