

IN THE SENATE

SENATE BILL NO. 1312, As Amended

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 officer
20 may not issue a citation to an individual for a violation of paragraph
21 (a) of this subsection, but shall issue the operator a warning informing
22 the operator that operating or having a passenger in a vehicle without
23 wearing a safety restraint is a violation of this subsection. On and af-
24 ter July 1, 2017, law enforcement officers may issue a citation pursuant
25 to paragraph (a) of this subsection as a primary action.

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

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~~ that it submits to the
39 national highway traffic safety administration and federal highway adminis-
40 tration pursuant to 23 U.S.C. ~~section~~ 402.

41 SECTION 2. That Section 49-673, Idaho Code, be, and the same is hereby
42 repealed.

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

46 49-673. SAFETY RESTRAINT USE. (1) Except as provided in section
47 49-672, Idaho Code, and subsection (2) of this section, each occupant of a
48 motor vehicle that has a gross vehicle weight of not more than eight thousand

1 (8,000) pounds, and that was manufactured with safety restraints in compli-
2 ance with federal motor vehicle safety standard no. 208, shall have a safety
3 restraint properly fastened about his body at all times when the vehicle is
4 in motion.

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

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

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

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

13 (d) Mail carriers.

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

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

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

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

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

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

49 (6) The department shall initiate and conduct an educational program,
50 to the extent sufficient private donations or federal funds for this spe-

1 cific purpose are available to the department, to encourage compliance with
2 the provisions of this section and to publicize the effectiveness of use of
3 safety restraints and other restraint devices in reducing risk of harm to oc-
4 cupants of motor vehicles.

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

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