

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 543

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO SAFETY RESTRAINT USE; AMENDING SECTION 49-673, IDAHO CODE, TO
REVISE PROVISIONS REGARDING THE EXEMPTION FROM SAFETY RESTRAINT USE FOR
MAIL CARRIERS AND TO MAKE TECHNICAL CORRECTIONS.

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

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

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

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

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

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

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

(d) Mail carriers only if all vehicle regulations and safety practices
of the United States postal service are adhered to.

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

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

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

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

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

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

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

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