

### **55-9-603. Use of safety belts in passenger vehicles — Violations — Penalties — Arrest — Applicability.**

(a) (1) No person shall operate a passenger motor vehicle on any highway, as defined §55-8-101(22), in this state unless such person and all passengers four (4) years of age or older are restrained by a safety belt at all times the vehicle is in forward motion.

(2) No person four (4) years of age or older shall be a passenger in a passenger motor vehicle on any highway, as defined in §55-8-101(22), in this state, unless such person is restrained by a safety belt at all times the vehicle is in forward motion.

(b) (1) The provisions of this section shall apply only to the operator and all passengers occupying the front seat of a passenger motor vehicle.

(2) If the vehicle is equipped with a rear seat which is capable of folding, the provisions of this section shall only apply to front seat passengers and the operator if the back seat is in the fold down position.

(c) As used in this section, unless specified otherwise, “passenger car” or “passenger motor vehicle” means any motor vehicle with a manufacturer's gross vehicle weight rating of eight thousand five hundred pounds (8,500 lbs.) or less, that is not used as a public or livery conveyance for passengers. “Passenger car” or “passenger motor vehicle” does not apply to motor vehicles which are not required by federal law to be equipped with safety belts.

(d) (1) A violation of this section is a Class C misdemeanor. All proceeds from the fines imposed by this subsection (d) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible handicapped individuals as defined in §49-11-602(3) who have been severely injured in motor vehicle accidents.

(2) A person charged with a violation of this section may, in lieu of appearance in court, submit a fine of ten dollars (\$10.00) for a first violation, and twenty dollars (\$20.00) on second and subsequent violations to the clerk of the court which has jurisdiction of such offense within the county in which the offense charged is alleged to have been committed.

(3) (A) Notwithstanding subdivision (d)(2) to the contrary, a person charged with a violation of subsection (i) may, in lieu of appearance in court, submit a fine of twenty dollars (\$20.00) to the clerk of the court which has jurisdiction of such offense within the county in which the offense charged is alleged to have been committed.

(B) Notwithstanding any provision of subdivision (d)(1) to the contrary, the revenue generated by ten dollars (\$10.00) of the twenty dollar (\$20.00) fine under subdivision (d)(3)(A) for a person's first conviction under subsection (i) shall be deposited in the state general fund without being designated for any specific purpose. The remaining ten dollars (\$10.00) of such twenty dollar (\$20.00) fine for such person's first conviction under subsection (i) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation in accordance with subdivision (d)(1).

(C) The revenue generated from such person's second or subsequent conviction under

subsection (i) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation in accordance with subdivision (d)(1).

(e) No clerk's fee nor court costs, including, but not limited to, any statutory fees of officers, shall be imposed or assessed against anyone convicted of a violation of this section. No litigation tax levied pursuant to the provisions of title 67, chapter 4, part 6, shall be imposed or assessed against anyone convicted of a violation of this section.

(f) (1) A law enforcement officer observing a violation of this section shall issue a citation to the violator, but shall not arrest or take into custody any person solely for a violation of this section.

(2) The department of safety shall not report any convictions under this section except for law enforcement or governmental purposes.

(g) In no event shall a violation of this section be assigned a point value for suspension or revocation of a license by the department of safety, nor shall such violation be construed as any other offense under the provisions of this title.

(h) This section does not apply to:

(1) A passenger or operator with a physically disabling condition whose physical disability would prevent appropriate restraint in such safety seat or safety belt; provided, that such condition is duly certified in writing by a physician who shall state the nature of the handicap, as well as the reason such restraint is inappropriate;

(2) A passenger motor vehicle operated by a rural letter carrier of the United States postal service while performing the duties of a rural letter carrier;

(3) Salespersons or mechanics employed by an automobile dealer who, in the course of their employment, test-drive a motor vehicle, if such dealership customarily test-drives fifty (50) or more motor vehicles a day, and if such test-drives occur within one (1) mile of the location of the dealership;

(4) Utility workers, water, gas and electric meter readers in the course of their employment;

(5) A newspaper delivery motor carrier service while performing the duties of a newspaper delivery motor carrier service; provided, that this exemption shall only apply from the time of the actual first delivery to the customer until the last actual delivery to the customer;

(6) A vehicle in use in a parade if operated at less than fifteen miles per hour (15 mph);

(7) A vehicle in use in a hayride if operated at less than fifteen miles per hour (15 mph); or

(8) A vehicle crossing a highway from one field to another if operated at less than fifteen miles per hour (15 mph).

(i) (1) Notwithstanding any provision of this section to the contrary, no person between sixteen (16) years of age and up to and through the age of seventeen (17) years of age, shall operate a passenger motor vehicle, or be a passenger therein, unless such person is restrained by a safety belt at all times the vehicle is in forward motion.

**(2)** Notwithstanding subdivision (b)(1), the provisions of this subsection (i) shall apply to all occupants between sixteen (16) years of age and eighteen (18) years of age occupying any seat in a passenger motor vehicle.

**(3)** Notwithstanding subdivision (f)(1), a law enforcement officer observing a violation of this subsection (i) shall issue a citation to the violator, but shall not arrest or take into custody any person solely for a violation of this subsection (i).

**(j)** Notwithstanding the provisions of subsection (b), no person with a learner permit or an intermediate driver license shall operate a passenger motor vehicle in this state unless such person and all passengers between the ages of four (4) and seventeen (17) years of age are restrained by a safety belt at all times the vehicle is in forward motion.

**(k)** The department of safety shall file a report by March 1 of each year to the 104th, 105th, and 106th general assembly on data collected for the prior five (5) years by the department relating to violations of this section. Such data shall include the number of persons cited for violations of this section, their race, ethnicity, sex, age, and any other information the department deems relevant.

[Acts 1986, ch. 866, §§ 3, 4, 7, 8, 11; 1989, ch. 591, § 113; 1994, ch. 661, §§ 2, 4; 2000, ch. 700, § 3; 2000, ch. 945, §§ 2-4; 2004, ch. 893, §§ 1-5.]