

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 554

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO SAFETY RESTRAINTS; REPEALING SECTION 6-1608, IDAHO CODE, RELAT-
2 ING TO LIMITATION ON EVIDENCE OF FAILURE TO WEAR A SAFETY RESTRAINT; AND
3 AMENDING SECTION 49-673, IDAHO CODE, TO PROVIDE THAT FAILURE TO USE A
4 SAFETY RESTRAINT SHALL NOT BE CONSIDERED AS EVIDENCE OF CONTRIBUTORY OR
5 COMPARATIVE NEGLIGENCE OR IN ANY CIVIL ACTION REGARDING NEGLIGENCE AND
6 TO MAKE TECHNICAL CORRECTIONS.
7

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

9 SECTION 1. That Section 6-1608, Idaho Code, be, and the same is hereby
10 repealed.

11 SECTION 2. 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 that has a gross vehicle weight of not more than eight thousand
16 (8,000) pounds, and that was manufactured with safety restraints in compli-
17 ance with federal motor vehicle safety standard no. 208, shall have a safety
18 restraint properly fastened about ~~his~~ the occupant's body at all times when
19 the 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~~ the occupant is unable for medical
23 reasons to wear a 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 who is age eighteen (18)
31 years or older ~~who~~ and fails to wear a safety restraint as required
32 in this section; and

33 (ii) The operator of the motor vehicle ~~if the operator~~ who is age
34 eighteen (18) years or older ~~and~~ if any occupant under eighteen
35 (18) years of age ~~who~~ fails to wear a safety restraint as required
36 in 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

1 forth in section 57-813, Idaho Code. A conviction under this subsec-
2 tion shall not result in violation point counts as prescribed in section
3 49-326, Idaho Code, nor shall such a conviction be deemed to be a moving
4 traffic violation for the purpose of establishing rates of motor vehi-
5 cle insurance charged by a casualty insurer.

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

19 (5) 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.

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

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

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