

H.230

Introduced by Representatives Potter of Clarendon, Bissonnette of Winooski,
Burke of Brattleboro, Lanpher of Vergennes, Masland of
Thetford, McCullough of Williston, and Stevens of Waterbury

Referred to Committee on

Date:

Subject: Motor vehicles; seatbelt law

Statement of purpose of bill as introduced: This bill proposes to amend
Vermont's adult seatbelt law to authorize primary enforcement of the law and
to amend the adult and child seatbelt laws to eliminate the blanket exception
for an occupant of a bus or taxi.

An act relating to primary enforcement of the adult seatbelt law and
exceptions to the seatbelt laws

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 23 V.S.A. § 1259 is amended to read:

§ 1259. SAFETY BELTS; PERSONS ~~AGE 18 AND~~ 18 YEARS OF AGE OR
OVER

(a) The operator of a motor vehicle shall be guilty of a violation of this
section if any person 18 years of age ~~and~~ or older is occupying a seating
position ~~which~~ that has been manufactured with a federally approved safety

1 belt system and is not restrained by the safety belt system while the motor
2 vehicle is in motion on a public highway.

3 (b) A person is required to be restrained in a safety belt system unless:

4 (1) the person is a rural mail carrier of the U.S. Postal Service operating
5 a motor vehicle in the performance of employment;

6 (2) the person is a driver or passenger frequently stopping and leaving
7 the motor vehicle or delivering property from the motor vehicle, if the speed of
8 the motor vehicle between stops does not exceed 15 miles per hour;

9 (3) the person is the operator of any farm tractor;

10 (4) the person is a member of the emergency personnel of an emergency
11 motor vehicle and finds it necessary to be unrestrained in order to perform his
12 or her duties;

13 (5) ~~the motor vehicle the person is occupying is a bus or taxi;~~

14 [Repealed.]

15 (6) the person is required to be restrained under section 1258 of this
16 title; or

17 (7) the person has been ordered by an enforcement officer, a firefighter,
18 or an authorized civil authority to evacuate persons from a stricken area.

19 (c) Noncompliance with the provisions of this section shall not be
20 admissible as evidence in any civil proceeding.

1 (d) Failure to wear a safety belt in violation of this section shall not
2 constitute negligence or contributory negligence in any civil proceeding or
3 criminal action, nor be entered as evidence to bar prosecution of a criminal
4 offense.

5 (e) ~~This section may be enforced only if a law enforcement officer has~~
6 ~~detained the operator of a motor vehicle for a suspected violation of another~~
7 ~~traffic offense. An operator shall not be subject to the penalty established in~~
8 ~~this section unless the operator is required to pay a penalty for the primary~~
9 ~~offense. [Repealed.]~~

10 (f) The penalty for violation of this section shall be as follows:

11 (1) \$25.00 for a first violation;

12 (2) \$50.00 for a second violation;

13 (3) \$100.00 for third and subsequent violations.

14 Sec. 2. 23 V.S.A. § 1258 is amended to read:

15 § 1258. CHILD RESTRAINT SYSTEMS; PERSONS UNDER AGE

16 18 YEARS OF AGE

17 (a) No person shall operate a motor vehicle, other than a type I school bus,
18 in this State upon a public highway unless every occupant under ~~age~~ 18 years
19 of age is properly restrained in a federally approved child passenger restraining
20 system as defined in 49 C.F.R. § 571.213 ~~(1993)~~ or a federally approved safety
21 belt, as follows:

1 (1) all children under ~~the age of one~~ year of age, and all children
2 weighing less than 20 pounds, regardless of age, shall be restrained in a
3 rear-facing position, properly secured in a federally approved child passenger
4 restraining system, which shall not be installed in front of an active air bag;

5 (2) a child weighing more than 20 pounds, and who is one year of age or
6 older and under ~~the age of eight years~~ of age, shall be restrained in a child
7 passenger restraining system; and

8 (3) a child eight through 17 years of age shall be restrained in a safety
9 belt system or a child passenger restraining system.

10 (b) A person shall not be adjudicated in violation of this section if:

11 (1) ~~the motor vehicle is regularly used to transport passengers for hire~~
12 ~~except a motor vehicle owned or operated by a child care facility;~~ [Repealed.]

13 (2) the motor vehicle was manufactured without safety belts; or

14 (3) the person has been ordered by an enforcement officer, a firefighter,
15 or an authorized civil authority to evacuate persons from a stricken area.

16 (c) The penalty for violation of this section shall be as follows:

17 (1) \$25.00 for a first violation;

18 (2) \$50.00 for a second violation;

19 (3) \$100.00 for third and subsequent violations.

20 Sec. 3. EFFECTIVE DATE

21 This act shall take effect on July 1, 2015.