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REFERENCE TITLE: **vehicle restraint violations; enforcement**

State of Arizona
Senate
Forty-sixth Legislature
Second Regular Session
2004

SB 1024

Introduced by

Senators Hellon, Giffords; Representatives Aguirre A, Bradley, Chase, Clark, Downing, Hershberger, Huffman, Jackson Jr, Landrum Taylor, Lopez L, Meza, Straughn; Senators Binder, Brown, Cannell R, Chevront, Jackson, Mead, Miranda, Mitchell; Representatives Alvarez, Bustamante, Cajero Bedford, Gallardo, Gullett, Lopes, Prezelski

AN ACT

AMENDING SECTION 28-909, ARIZONA REVISED STATUTES; RELATING TO VEHICLE RESTRAINTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 28-909, Arizona Revised Statutes, is amended to
3 read:
4 28-909. Vehicle restraints required; exceptions; civil penalty
5 A. Each front seat occupant of a motor vehicle that is designed for
6 carrying ten or fewer passengers, that is manufactured for the model year
7 1972 and thereafter and that is required to be equipped with an integrated
8 lap and shoulder belt or a lap belt pursuant to the federal motor vehicle
9 safety standards prescribed in 49 Code of Federal Regulations section 571.208
10 shall either:
11 1. Have the lap and shoulder belt properly adjusted and fastened while
12 the vehicle is in motion.
13 2. If only a lap belt is installed where the occupant is sitting, have
14 the lap belt properly adjusted and fastened while the vehicle is in motion.
15 B. The operator of a motor vehicle that is designed for carrying ten
16 or fewer passengers, that is manufactured for the model year 1972 and
17 thereafter and that is required to be equipped with an integrated lap and
18 shoulder belt or a lap belt pursuant to the federal motor vehicle safety
19 standards prescribed in 49 Code of Federal Regulations section 571.208 shall
20 require each passenger under sixteen years of age to either:
21 1. Have the lap and shoulder belt properly adjusted and fastened while
22 the vehicle is in motion.
23 2. If only a lap belt is installed where the passenger is sitting,
24 have the lap belt properly adjusted and fastened while the vehicle is in
25 motion.
26 ~~C. A peace officer shall not stop or issue a citation to a person~~
27 ~~operating a motor vehicle on a highway in this state for a violation of this~~
28 ~~section unless the peace officer has reasonable cause to believe there is~~
29 ~~another alleged violation of a motor vehicle law of this state.~~
30 ~~D.~~ C. If a person is found responsible for a civil traffic violation
31 under this section, a department or agency of this state shall not consider
32 the violation for the purpose of determining whether the person's driver
33 license should be suspended or revoked. A court shall not transmit abstracts
34 of records of violations of this section to the department.
35 ~~E.~~ D. An insurer shall not consider a civil traffic violation under
36 this section as a traffic violation against the person for the purposes of
37 establishing rates for motor vehicle liability insurance or determining the
38 insurability of the person. An insurer shall not cancel or refuse to renew
39 any policy of insurance because of the violation.
40 ~~F.~~ E. This section does not apply to:
41 1. A child subject to the requirements of section 28-907.
42 2. A person possessing a written statement from a physician that the
43 person is unable for medical or psychological reasons to wear a lap and
44 shoulder belt or a lap belt.

1 3. A letter carrier of the United States postal service while the
2 letter carrier is performing the letter carrier's duties.
3 ~~G.~~ F. If a person is found responsible for a civil traffic violation
4 under this section, the person is subject to a maximum civil penalty of ten
5 dollars for each violation.