

SENATE BILL 1723
By Cohen

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 9, Part 6, to enact the Better Enforcement Leads To Safety (BELTS) Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 9, Part 6, is amended by adding the following as a new section thereto:

Section _____. (a) This section shall be known and may be cited as the "Better Enforcement Leads To Safety (BELTS)" act.

(b)(1) Notwithstanding the provisions of § 55-9-603 to the contrary, no person eighteen (18) years of age or younger shall operate a passenger motor vehicle 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 operated in this state by a person eighteen (18) years of age or younger, unless such person is restrained by a safety belt at all times the vehicle is in forward motion.

(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 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 fifty dollars (\$50.00) for such violation 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.

(e) No court costs 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) 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.

(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; or

(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.

SECTION 2. Tennessee Code Annotated, Section 55-9-602(g)(1), is amended by deleting the language “any person transporting” and by substituting instead the language “any person nineteen (19) years of age or older”.

SECTION 3. Tennessee Code Annotated, Section 55-9-602(g)(1), is further amended by adding the following language to the end thereto:

Any person eighteen (18) years of age or younger transporting a child four (4) years of age and up to and through twelve (12) years of age in a passenger motor vehicle in this state shall be subject to the provisions of Section 1 of this act.

SECTION 4. This act shall take effect July 1, 1999, the public welfare requiring it.