

CHAPTER NO. 945

SENATE BILL NO. 3081

By Haun, Cohen, Kurita

Substituted for: House Bill No. 3009

By Newton, Robinson, Black

AN ACT To amend Tennessee Code Annotated, Title 55, Chapter 9, Part 6, relative to safety belts and passenger restraint systems.

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

SECTION 1. Tennessee Code Annotated, Section 55-9-602(g), is amended by deleting the subsection in its entirety and by substituting instead the following:

(g)(1) Notwithstanding the provisions of § 55-9-603, any person transporting a child four (4) years of age and up to, and through, fifteen (15) years of age in a passenger motor vehicle upon a road, street, or highway of Tennessee is responsible for the protection of the child and properly using a child or other passenger restraint system, including safety belts, meeting federal motor vehicle safety standards for all children occupying any seat within a passenger motor vehicle as defined in this part.

(2) A person charged with a violation of this subsection 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.

(3) 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 subsection, nor shall any clerk's fee or court costs, including but not limited to any statutory fees of officers, be imposed or assessed against anyone convicted of a violation of this subsection.

(4)(A) Notwithstanding any provision of subsection (f) to the contrary, the revenue generated by ten dollars (\$10.00) of the twenty dollar (\$20.00) fine under subdivision (g)(2) for a person's first conviction under this subsection, 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 a person's first conviction under this subsection shall be deposited to the child safety fund in accordance with subsection (f).

(B) The revenue generated from such person's second or subsequent conviction under this subsection shall be deposited to the child safety fund in accordance with subsection (f).

(5) If all seat belts or other passenger restraints in a passenger motor vehicle originally provided by the manufacturer are occupied, no fine shall be imposed on a person pursuant to the provisions of this subsection for the failure of a child four (4) years of age through fifteen (15) years of age, inclusive, in the back seat to properly use a passenger restraint system.

(6) Notwithstanding any provision of law to the contrary, no more than one (1) citation may be issued for a violation of this subsection per vehicle per occasion.

SECTION 2. Tennessee Code Annotated, Section 55-9-603, is amended by adding the following language as a new, appropriately designated subsection:

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

SECTION 3. Tennessee Code Annotated, Section 55-9-603(d), is amended by adding the following language as new subdivisions thereto:

(3)(A) Notwithstanding subdivision (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 (1) to the contrary, the revenue generated by ten dollars (\$10.00) of the twenty dollar (\$20.00) fine under subdivision (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 (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 (1).

SECTION 4. Tennessee Code Annotated, Section 55-9-603, is amended by deleting subsection (e) in its entirety and by substituting instead the following:

(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.

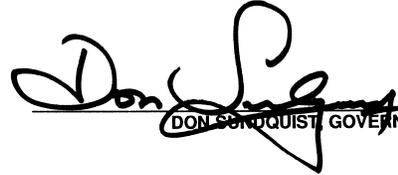
SECTION 5. This act shall take effect July 1, 2000, the public welfare requiring it.

PASSED: June 9, 2000


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 21st day of June 2000


DON SUNDQUIST, GOVERNOR