

Mr. B. VeTo

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1988

ENROLLED

COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 8

(By Senator PALUMBO, ET AL)

PASSED MARCH 12, 1988

In Effect 90 days from Passage



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 8

(SENATORS PALUMBO, HOLLIDAY, WILLIAMS, BOETTNER AND KAUFMAN,

original sponsors)

[Passed March 12, 1988; in effect ninety days from passage.]

AN ACT to amend article fifteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section forty-seven, relating to the mandatory use of safety belts in certain motor vehicles; defining the term "motor vehicle" for purposes of said section; creating exceptions for certain disabled persons and United States postal service carriers; providing a penalty for a violation of said section; limiting the enforcement of such violation to a secondary action when the driver of a motor vehicle has been detained for a reasonable cause of violating another section of this code; providing that evidence of a violation of this section is not admissible to prove negligence, contributory negligence, comparative negligence or to mitigate damages; mandating the department of public safety, in cooperation with other governmental agencies, to initiate and conduct an educational program encouraging compliance with safety belt usage laws; and providing that this section may not be construed to relieve automobile manufacturers from their

responsibility to install inflatable crash protection or air bags under the National Traffic and Motor Vehicle Safety Act.

Be it enacted by the Legislature of West Virginia:

That article fifteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section forty-seven, to read as follows:

ARTICLE 15. EQUIPMENT.

§17C-15-47. Operation of vehicles with safety belts; exception; penalty; civil actions; educational program by department of public safety.

1 (a) Effective on the first day of July, one thousand nine
2 hundred eighty-eight, no person may operate a motor
3 vehicle on a public street or highway of this state unless
4 such person and any passenger in the motor vehicle is
5 restrained by a safety belt approved by the commissioner.
6 For the purposes of this section, the term "motor vehicle"
7 includes all motor vehicles of passenger type and trucks
8 with a gross vehicle weight of not more than eight thousand
9 pounds manufactured after the first day of January, one
10 thousand nine hundred sixty-eight: *Provided*, That the
11 provisions of this section regarding trucks with a gross
12 vehicle weight of not more than eight thousand pounds
13 shall only apply to those passengers riding in the cab area of
14 said vehicles.

15 (b) The required use of safety belts does not apply to a
16 duly appointed or contracted mail carrier of the United
17 States postal service who is actually making mail deliveries
18 or to a passenger or operator with a physically disabling
19 condition whose physical disability would prevent
20 appropriate restraint in such safety belt if the condition is
21 duly certified by a physician who shall state the nature of
22 the disability as well as the reason such restraint is
23 inappropriate. The department of motor vehicles shall
24 adopt rules, in accordance with the provisions of chapter
25 twenty-nine-a of this code, to establish a method to certify
26 the physical disability and to require use of an alternative
27 restraint system where feasible or to waive the requirement
28 for the use of any restraint system.

29 (c) Any person who violates the provisions of this
30 section shall be fined not more than twenty-five dollars. No
31 court costs or other fees shall be assessed for a violation of
32 this section. Subject to the provisions of section forty-six of
33 this article, enforcement of this section shall be
34 accomplished only as a secondary action when a driver of a
35 motor vehicle has been detained for a reasonable cause of
36 violating another section of this code.

37 (d) A violation of this section is not admissible as
38 evidence of negligence or contributory negligence or
39 comparative negligence in any civil action or proceeding for
40 damages, and shall not be admissible in mitigation of
41 damages. Notwithstanding any other provision of this code
42 to the contrary, no points may be entered on any driver's
43 record maintained by the department of motor vehicles as a
44 result of a violation of this section.

45 (e) Commencing the first day of July, one thousand nine
46 hundred eighty-eight, the department of public safety in
47 cooperation with any other state departments or agencies
48 designated by the governor and with county and municipal
49 law-enforcement agencies shall initiate and conduct an
50 educational program designed to encourage compliance
51 with safety belt usage laws. This program shall be focused
52 on the effectiveness of safety belts, the monetary savings
53 and the other benefits to the public from usage of safety
54 belts and the requirements and penalties specified in this
55 law: *Provided*, That nothing in this section shall be
56 construed as relieving automobile manufacturers from the
57 responsibility of installing inflatable crash protection or air
58 bags for front seat occupants in accordance with rules
59 adopted by the United States Department of
60 Transportation and contained in the National Traffic and
61 Motor Vehicle Safety Act, issued on the eleventh day of
62 July, one thousand nine hundred eighty-four.

to be handled
by the
department of public safety

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Bruce O. Williams
.....
Chairman Senate Committee

Bernard V. Kelly
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Judd C. Willis
.....
Clerk of the Senate

Donald J. Topp
.....
Clerk of the House of Delegates

Don Tonkonil
.....
President of the Senate

W. H. Hall
.....
Speaker House of Delegates

The within *disapproved* this the *31st*
March
day of 1988.

Anne Arnesen
.....
Governor

Time 11:26 a.m.

RECEIVED

1988 MAR 31 PM 5:20

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE