WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1988

ENROLLED

COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 8

(By Senator PALUMBO, et al.)

PASSED March 3, 1988

In Effect 90 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.

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

(b) The required use of safety belts does not apply to a
duly appointed or contracted mail carrier of the United
States postal service who is actually making mail deliveries
or to a passenger or operator with a physically disabling
condition whose physical disability would prevent
appropriate restraint in such safety belt if the condition is
duly certified by a physician who shall state the nature of
the disability as well as the reason such restraint is
inappropriate. The department of motor vehicles shall
adopt rules, in accordance with the provisions of chapter
twenty-nine-a of this code, to establish a method to certify
the physical disability and to require use of an alternative
restraint system where feasible or to waive the requirement
for the use of any restraint system.
(c) Any person who violates the provisions of this section shall be fined not more than twenty-five dollars. No court costs or other fees shall be assessed for a violation of this section. Subject to the provisions of section forty-six of this article, enforcement of this section shall be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a reasonable cause of violating another section of this code.

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

(e) Commencing the first day of July, one thousand nine hundred eighty-eight, the department of public safety in cooperation with any other state departments or agencies designated by the governor and with county and municipal law-enforcement agencies shall initiate and conduct an educational program designed to encourage compliance with safety belt usage laws. This program shall be focused on the effectiveness of safety belts, the monetary savings and the other benefits to the public from usage of safety belts and the requirements and penalties specified in this law: Provided, That nothing in this section shall be construed as relieving automobile manufacturers from the responsibility of installing inflatable crash protection or air bags for front seat occupants in accordance with rules adopted by the United States Department of Transportation and contained in the National Traffic and Motor Vehicle Safety Act, issued on the eleventh day of July, one thousand nine hundred eighty-four.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within-disappeared this the 31st day of March, 1988.

Governor