

JURISDICTION:
General Reference:

TENNESSEE
Tennessee Code Annotated and Rules and Regulations of the State of Tennessee (RRST)

Required Use of Safety Belts¹:

Requirements:

I. A person shall not drive a passenger motor vehicle² unless they and all front seat passengers ≥ 4 years old are restrained by a safety belt. §55-9-603(a)(1), (a)(2), (b)(1)

II. Drivers 16 or 17 years old shall wear a safety belt when operating a motor vehicle in a "forward motion." §55-9-603(i)(1)

III. Motor vehicle passengers between the ages of 16 and 18 years old shall wear a safety belt when occupying **any** seating position. §55-9-603(i)(2)

Note: For passenger ≥ 4 but < 12 years old, see Required Use of Child Safety Restraint Systems below.

Secondary Enforcement. For the requirement in I, no citation or warrant for an arrest shall be issued for a violation of this requirement unless the person who has been stopped by a law enforcement officer and has been issued a citation or arrest warrant for a separate violation of the law.³ §55-9-603(f)(1) Note: The law specifically provides that a law enforcement officer may issue a citation to but cannot arrest a person for an observed violation of the requirements in either II or III. §55-9-603(i)(3)

Sanctions for Failure to Use or
Require the Use of Safety Belts:

Class C Misdemeanor: An imprisonment term of not more than **30 days** and/or a fine of not more than **\$50**. §§40-35-111(e)(3) & 55-9-603(d)(1) **Alternative.** In lieu of a court appearance, an offender may, for a 1st offense, pay a fine of **\$10** and, for a 2nd or subsequent offense, pay a fine of **\$20**. §55-9-603(d)(2)

Important. A driver cannot be fined for a violation of this requirement for the failure of a passenger > 16 years old to wear a safety belt. §55-9-606 Note: Neither court costs nor a litigation tax shall be imposed. §55-9-603(e) In addition, no points can be assigned to an offender's driving record for a violation of this requirement. §55-9-603(g)

Effect on Civil Liability:

Generally, a violation of this requirement is not admissible into evidence in a civil action. §55-9-604 & *Cheatham v. Thurston*, 654

Required Use of Safety Belts: (continued)

Effect on Civil Liability: (continued)

F.Supp. 216 (S.D. Ohio 1986). This case applied Tennessee law §55-9-214 which was transferred to §55-9-604.

¹**Exemptions.** The requirement to wear a safety belt does not apply in the following circumstances: (1) To persons who cannot wear a safety belt because of a physical disability; (2) a rural letter carrier of the U.S. Postal Service while performing official duties; (3) automobile dealership salespersons or mechanics who test drive 50 or more vehicles a day and where test drives are within 1 mile of the dealership; (4) utility workers while performing official duties; (5) water, gas and electric meter readers in the course of their employment; and, (5) persons who are in the process of delivering newspapers. §55-9-603(h)

²The term "passenger motor vehicle" means a vehicle having a gross vehicle weight $\leq 8,500$ lbs. and which is not used as a public livery conveyance for passengers. In addition, such term does not include a motor vehicle that does not have to be equipped with safety belts under Federal law. §55-9-603(c)

³A law enforcement officer observing a violation of this requirement shall only issue a citation for such violation. A law enforcement officer cannot take a person into custody solely for such a violation. §55-9-603(f)(2)

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Required Use of Child Safety Restraint Systems⁴:

Requirements:

I. A person, when transporting a child <4 years old in a motor vehicle⁵, shall secure such child in a Federally approved child passenger restraint system. §55-9-602(a)

II. A person, when transporting a child ≥4 through 15 years old in a motor vehicle⁵, shall either secure such child in a Federally approved child passenger restraint system or in a safety belt. §55-9-602(g)(1)

Sanctions for Failure to Require
the Use of Child Restraint Systems:

Class C Misdemeanor: An imprisonment term of not more than **30 days** and/or a fine of not more than **\$50**. §§40-35-111(e)(3) and 55-9-602(c)(1)

Alternatives. I. For violation of I above, in addition to or in lieu of the above sanctions, an offender may be required to attend a class on the hazards of not transporting children properly. §55-9-602(c)(2)

II. For a violation of II above, in lieu of a court appearance, an offender may a fine of **\$20**. Also, no court costs or litigation tax may be assessed against an offender. §55-9-602(g)

III. Note: The law does not appear to assign points for a violation of these requirements.

Effect on Civil Liability:

Required Use of Motorcycle Protective Headgear:

Requirements:

A person who operates or rides as a passenger on a motorcycle or

⁴**Exemptions.** I. The requirement to use a child passenger restraint system does not apply if the mother either (1) is nursing the child or (2) is attending to its other physiological needs. §55-9-602(b) In addition, the requirement to use either a child passenger restraint system or safety belt for children ≥4 through 15 years old does not apply in the back seat if all seat belts or other passenger restraints are already occupied. §55-9-602(g)(5) II. Comment: Tennessee law provides, that before a motor vehicle can be sold in the State, it must be equipped with a safety belt. However, motor vehicles manufactured prior to the 1964 model year, public or livery conveyance passenger motor vehicles weighing ≤8,500 lbs. and any motor vehicle that is not required by Federal law to be equipped with safety belts are exempt from this requirement. §55-9-601 Although the law is not specific, there would appear to be an indirect exemption from the use of child passenger protection systems in motor vehicles that are not required to have safety belts by reason of the fact that safety belts are need in order to secure child passenger protection systems in place. The law does not require that motor vehicles be retrofitted with safety belts.

⁵Note: The term "motor vehicle" does not have a special definition in the child passenger protection law. Consequently, the general definition of "motor vehicle" applies. §§55-8-101(30) & 55-9-101 and Ag. Op. 87-76, April 29, 1987, 1987 Tenn. AG LEXIS 121

motorized bicycle must wear a State approved crash helmet.⁶ §55-9-302(a)
This requirement does not apply to persons riding in an enclosed cab.
§55-9-302(b)

Required Use of Motorcycle Protective Headgear:
(continued)

Sanctions for Failure to Use:

Class C Misdemeanor: An imprisonment term of not more than **30 days**
and/or a fine of not more than **\$50**. §§40-35-111(e)(3) & 55-9-306

Sanctions for Failure to Use: (continued)

Note: The law does not appear to assign points for a violation of this
requirement.

Required Use of Motorcycle Eye Protection Device:

Requirements:

A person who operates or rides as a passenger on a motor-driven cycle or
motorized bicycle shall wear either safety goggles, face shields or glasses
containing impact resistant lenses. This requirement does not apply if the
vehicle is equipped with a windshield. §55-9-304

Sanctions for Failure to Use:

Class C Misdemeanor: An imprisonment term of not more than **30 days**
and/or a fine of not more than **\$50**. §§40-35-111(e)(3) & 55-9-306 Note:
The law does not appear to assign points for a violation of this requirement.

⁶A violation of this requirement will not be a bar to the recovery of damages based on contributory negligence grounds provided such violation did not contribute to the cause of the accident. *Brown v. Smith*, 604 S.W.2d 56 (Tenn.App. 1980)

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Required Use of Bicycle Protective Headgear⁷:

Requirements:

- I. A person <16 years old cannot operate or be a passenger on a bicycle unless they are wearing a protective cycle helmet. §55-52-105(1)
- II. It is an offense for either a parent or legal guardian knowingly permit their child to violate the above requirement.

Sanctions for Failure to Use:

- I. Violation: An adult who violates the above requirement is guilty of a violation and is liable for a fine **\$2** plus court costs. §55-52-106(a)
- II. For a 1st violation, the law provides that only a **warning citation** may be issued. For either a 2nd or subsequent violation, a citation may be issued by no arrest can be made. §55-52-106
- III. Note: A violation of this requirement is not admissible as evidence in any civil action. §55-52-106(c)

Required Use of Bicycle Eye Protection Device:

Requirements:

None

Sanctions for Failure to Use:

Prohibition Against Riding in Unsecured

⁷A person either who weighs <40 lbs. or who is <40 inches tall must be secured in a restraining seat when being transported on a bicycle. §55-52-105(2) Note: The sanctions for a violation of this requirement are the same as for a failure to use a bicycle safety helmet.

Portion of Vehicle ⁸:

Requirements:

- I. “[O]n the streets of any municipality, roads of any county, or the highways of this state,” a person shall not transport a child <6 years old in the bed of a truck with a manufacturer's ton rating not exceeding three-quarter (3/4) ton and having a pickup body style. §55-8-189(a)
- II. On “any interstate defense highway or state highway,” a person shall not transport a child ≥6 but <12 years old in the bed of a truck with a manufacturer's ton rating not exceeding three-quarter (3/4) ton and having a pickup body style. §55-8-189(b)(1) Note: A city or county may establish this same prohibition on its roads or highways. §55-8-189(b)(2)

Sanctions for a Violation:

Class C Misdemeanor: An imprisonment term of not more than **30 days** and/or a fine of not more than **\$50**. §§40-35-111(e)(3) & 55-8-189(b)
Note: The law is not specific as to whether points can be assigned for a violation of this requirement. However, since this offense is codified under the rules of the road provisions of the vehicle code, an offender may be subject to a 3 point assessment against their driving record under the miscellaneous point assessment provisions of the point system regulations. RRST Ch. 1340-1-40.03

Exemptions:

- I. This requirement does not apply if the child is being transported in the bed of such a vehicle as part of an organized parade, possession or other ceremonial event and when the vehicle is not traveling >20 MPH. §55-8-189(c)
- II. This requirement does not apply if the child is being transported in the bed of such vehicle when it “is involved in agricultural activities.” §55-8-189(d)

⁸The General Assembly hereby strongly urges the Department of Safety to take all necessary and prudent measures to alert persons of the dangers of minor children riding in the back of pickup trucks. The Department of Safety is urged to use public service announcements, advertising, public meetings and any other means available to inform the public of the risks to minors from riding in the back of pickup trucks.” §1 of Public Chapter No. 888 (1998)