

JURISDICTION:  
General Reference:

**VERMONT**  
Vermont Statutes Annotated

Required Use of Safety Belts<sup>1</sup>:

Requirements:

A person shall not operate a motor vehicle<sup>2</sup> unless all persons (including the operator), who are occupying a seating position with safety belts, are wearing such belts. Title 23, §1259(a) See Required Use of Child Safety Restraints below.

**Secondary Enforcement.** A law enforcement officer can only enforce this requirement if a vehicle operator has been detained for another traffic law violation. An offender is not subject to a fine for a violation of this requirement unless they are also fined for the primary traffic law offense. Title 23, §1259(f)

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

A vehicle operator is subject to a fine of **\$10**. Title 23, §1259(a) Note: The law does not appear to assign points for a violation of this requirement.

Effect on Civil Liability:

A failure to comply with this requirement is not admissible as evidence in any civil proceeding. Title 23, §1259(d) A failure to comply with this requirement does not constitute negligence or contributory negligence in any civil proceeding or criminal action. However, such a failure is not a bar to the prosecution of a criminal offense. Title 23, §1259(e)

Required Use of Child Safety Restraint Systems<sup>3</sup>:

Requirements:

I. A person, when transporting a child <5 years old in a motor vehicle, except a Type I school bus<sup>4</sup>, shall secure such child in a Federally approved child restraint system. Title 23, §1258(a)

II. A person, when transporting a child ≥5 but <13 years old in a

Required Use of Child Safety Restraint Systems:  
(continued)

Requirements: (continued)

motor vehicle, except a school bus<sup>4</sup>, shall secure such child in a safety belt. Title 23, §1258(b)

Sanctions for Failure to Require

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<sup>1</sup>**Exemptions.** The requirement to wear a safety belt does not apply in the following circumstances: (1) To persons who have a physical condition that would make the wearing of a safety belt inappropriate; (2) to rural mail carriers of the U.S. Postal Service while performing official duties; (3) to persons who are making frequent stops for the purpose of delivering property and where the vehicle is operating ≤15 MPH; (4) to persons performing official duties in an emergency vehicle; (5) to persons operating any implements of husbandry; and, (6) to persons occupying either a bus or a taxi. Title 23, §1259(b)

<sup>2</sup>The requirement of use a safety belt only applies to persons who are occupying a seating position which has been manufactured with a Federally approved safety belt system. Title 23, §1259(a) Note: Indirectly, the safety belt use law only applies to motor vehicles that are required to have safety belts under Federal law.

<sup>3</sup>**Exemptions.** These requirements do not apply in the following circumstances: (1) To children being transported as passengers for hire (except motor vehicles owned by day care facilities); (2) to children who are riding in motor vehicles that were not manufactured with safety belts; (3) to children who have a physical condition that prevents the use of either a child passenger restraint system or a safety belt; (4) to children, where the total number of safety belts available are in use, provided that children <5 years old are secured in a child passenger restraint system and all safety belts are in use. Title 23, §1258(c)

<sup>4</sup>A "school bus" is a defined as a motor vehicle, with a manufacture's rated seating capacity ≥ 11 passengers, including the operator, used to transport children to or from school or school activities. Excluded from this definition are common carriers and certain private vehicles. A Type I school bus means a school bus designed to transport >15 passengers including the operator. And, a Type II school bus means a school bus designed to transport >10 and <16 passengers, including the operator. Title 23, §4(34)(A), (B) & (C)

**VERMONT**

the Use of Child Restraint Systems:

A fine of not more than **\$25**. Title 23, §1258(d) 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<sup>5</sup>:

Requirements:

No person shall operate or ride on a motorcycle unless they wear State approved protective headgear. Title 23, §1256

Sanctions for Failure to Use:

Traffic Violation: A fine of not more than **\$175**. Title 23, §2302(a), (d) & (c) Two (2) points are assessed against a person's driving record for a violation of this requirement. Title 23, §2502(a)(BBB)

Required Use of Motorcycle Eye Protection Device:

Requirements:

If a motorcycle is not equipped with a windshield or screen, the operator shall wear either eye glasses, goggles or a face shield. Title 23, §1257

Sanctions for Failure to Use:

Traffic Violation: A fine of not more than **\$175**. Title 23, §2302(a), (d) & (c) Two (2) points are assessed against a person's driving record for a violation of this requirement. Title 23, §2502(a)(CCC)

Required Use of Bicycle Protective Headgear:

Requirements:

**None**

Sanctions for Failure to Use:

Required Use of Bicycle Eye Protection Device:

Requirements:

**None**

Sanctions for Failure to Use:

Prohibition Against Riding in Unsecured Portion of Vehicle:

Requirements:

**None<sup>6</sup>**

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<sup>5</sup>Does not apply to fully enclosed 3 wheeled vehicles that weight <1,500 lbs. and are powered by electricity. Title 23, §4(18)

<sup>6</sup>Even though there is no statutory authority prohibiting this activity, such a prohibition may have been indirectly established for children <5 years old via the provisions of the Child Safety Restraint Systems law.