

JURISDICTION:
General Reference:

WYOMING
Wyoming Statutes Annotated

Required Use of Safety Belts¹:

Requirements:

I. When a motor vehicle² is in motion, the driver and each passenger shall wear a safety belt. §31-5-1402(a)
II. When a motor vehicle² is in motion, the driver shall require each passenger <12 years old to wear a safety belt. §31-5-1402(a)
Secondary Enforcement. No motor vehicle shall be halted solely for a violation of these requirements. A moving violation citation must be issued prior to one for violating these requirements. §31-5-1402(d)

Sanctions for Failure to Use or Require the Use of Safety Belts³:

I. A driver, who violates the requirements in either I or II above, is subject to a fine of not more than **\$25**. §31-5-1402(e)
II. A passenger, who violates the requirement in I above, is subject to a fine of not more than **\$10**. §31-5-1402(e)
No violation of these requirements may be counted as a moving violation for license suspension purposes. §31-5-1402(c)(i) In addition, a violation of these requirements is neither grounds for increasing insurance premiums nor can such be made part of a person's driving record. §31-5-1402(c)(ii)

Effect on Civil Liability:

Evidence of a person's failure to comply with these requirements is not admissible in any civil action. §31-5-1402(f)

Required Use of Child Safety Restraint Systems⁴:

Requirements:

A person, when transporting a child ≤4 years old and weighing ≤40 lbs. in a passenger vehicle⁵, shall secure such child in a Federally approved child restraint system. §§31-5-1302(a)(i) & 31-5-1303(a)

Required Use of Child Safety Restraint Systems:
(continued)

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

Misdemeanor: 1st offense-A fine of not more than **\$50**. 2nd or subsequent offense-A fine of not more than **\$100**. §§31-5-1201(a) & 31-5-1304(a)
Note: The law does not specifically provided for licensing action for a

¹**Exemptions.** The requirement to use a safety belt does not apply in the following circumstances: (1) To persons who for physical or medical reasons makes such use unadvisable; (2) to persons operating or riding in motor vehicles that are not required to be equipped with safety belts under Federal law; (3) to carriers of the U.S. Postal Service while performing official duties; and, (4) to persons occupying a seat where all operable safety belts are being used by the driver or other passengers and to "any person occupying a seat in a vehicle originally manufactured without a safety belt." §31-5-1402(b)

²"Motor vehicle" "means every vehicle which is self-propelled except vehicles moved solely by human power and golf carts...." §31-5-102(a)(xxiv) Note: There is no definition of "motor vehicle" in the safety belt use law. This is the definition of "motor vehicle" under the general definitions provision of the motor vehicle code (Title 31).

³If a person is cited for a violation of the traffic laws, they may have their fine reduced by **\$10** if they were wearing a safety belt. §31-5-1402(e)

⁴**Exemptions.** This requirement does not apply in the following circumstances: (1) To a child whose weight, physical or medical condition prohibits the use of a child safety restraint system; and, (2) the driver of the vehicle is rendering aid or assistance to the child or his parent or guardian. §31-5-1303(b)

⁵The term "passenger vehicle" means a motor vehicle, excluding emergency and law enforcement vehicles, designed to carry people and that was equipped with safety belts at the time of manufacture. §31-5-1302(a)(v) Note: The terms "school bus" and "commercial vehicle" are excluded from this definition. The law provides for specific definitions of these terms. §31-5-1302(a)(ii) & (vi) As a result, children, who are riding in these vehicles, do not have to be secured in a child passenger restraint system.

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violation of this requirement. However, the law does allow the State to suspend a person's license for not more than **12 months** for repeated convictions of "moving violations." §31-7-129(a)(i) The law is not clear on whether a conviction of this requirement is a moving violation.

Effect on Civil Liability:

A violation of this requirement "does not constitute evidence of negligence or recklessness and does not constitute a basis for criminal prosecution except as set forth" above. §31-5-1305

Required Use of Motorcycle Protective Headgear:

Requirements:

- I. A minor⁶ shall not operate or ride on a motorcycle unless they are wearing protective headgear. §31-5-115(o)
- II. A motorcycle operator shall not allow a minor⁶ to ride on a motorcycle unless such minor is wearing protective headgear. §31-5-115(o)

Sanctions for Failure to Use:

Misdemeanor: 1st offense-An imprisonment term of not more than **20 days** and/or a fine of not more than **\$200**. 2nd offense (within 1 year)-An imprisonment term of not more than **30 days** and/or a fine of not more than **\$300**. 3rd or subsequent offense (within 1 year)-An imprisonment term of not more than **6 months** and/or a fine of not more than **\$500**. Note: The law does not specifically provide for licensing action for a violation of these requirements. However, the law does allow the State to suspend a person's license for not more than **12 months** for repeated "moving violation" convictions. §31-7-129(a)(i) The law is not clear on whether a conviction of either of the above requirements is a moving violation.

Required Use of Motorcycle Eye Protection Device:

Requirements:

None

Sanctions for Failure to Use:

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:

⁶A "minor" is defined as a person who has not yet reached their eighteenth birthday. §8-1-102(a)(iii)(B)

Requirements: **None**⁷

Sanctions for a Violation:

Exemptions:

⁷Even though there is no statutory authority prohibiting this activity, such a prohibition may have been indirectly established for certain children via the provisions of the Child Safety Restraint Systems law.

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