

55-8-118. Overtaking and passing on the right.

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(1) When the vehicle overtaken is making or about to make a left turn;

(2) Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving vehicles in each direction; and

(3) Upon a one-way street, or upon any roadway on which traffic is restricted to one (1) direction of movement, where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.

(b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting that movement in safety. In no event shall the movement be made by driving off the pavement or main-traveled portion of the roadway.

(c) When overtaking or passing upon the right of another motor vehicle pursuant to this section or other law, the person shall not operate the motor vehicle within a bicycle lane as defined in § 55-8-205.

II

JURY INSTRUCTIONS ON CREDIBILITY OF WITNESSES

you are the exclusive judges of the credibility of the witnesses and the weight to be given to their testimony. If there are conflicts in the testimony of the different witnesses you must reconcile them, if you can, without hastily or rashly concluding that any witness has sworn falsely, for the law presumes that all witnesses are truthful. In forming your opinion as to the credibility of a witness, you may look to the proof, if any, of his or her general character, the evidence, if any, of the witness' reputation for truth and veracity, the intelligence and respectability of the witness, his or her interest or lack of interest in the outcome of the trial, his or her feelings, his or her apparent fairness or bias, his or her means of knowledge, the reasonableness of his or her statements, his or her appearance and demeanor while testifying, his or her contradictory statements as to material matters, if any are shown, and all the evidence in the case tending to corroborate or to contradict him or her.

III

55-8-199. Prohibited uses of wireless telecommunications devices or stand-alone electronic devices.

(a) As used in this section:

(1) "Stand-alone electronic device" means a portable device other than a wireless telecommunications device that stores audio or video data files to be retrieved on demand by a user;

(2) "Utility services" means electric, natural gas, water, wastewater, cable, telephone, or telecommunications services or the repair, location, relocation, improvement, or maintenance of utility poles, transmission structures, pipes, wires, fibers, cables, easements, rights of way, or associated infrastructure; and

(3) "Wireless telecommunications device" means a cellular telephone, a portable telephone, a text-messaging device, a personal digital assistant, a stand-alone computer, a global positioning system receiver, or substantially similar portable wireless device that is used to initiate or receive communication, information, or data. "Wireless telecommunications device" does not include a radio, citizens band radio, citizens band radio hybrid, commercial two-way radio communication device or its functional equivalent, subscription-based emergency communication device, prescribed medical device, amateur or ham radio device, or in-vehicle security, navigation, autonomous technology, or remote diagnostics system.

(b)

(1) A person, while operating a motor vehicle on any road or highway in this state, shall not:

(A) Physically hold or support, with any part of the person's body, a:

(i) Wireless telecommunications device. This subdivision (b)(1)(A)(i) does not prohibit a person eighteen (18) years of age or older from:

(a) Using an earpiece, headphone device, or device worn on a wrist to conduct a voice-based communication; or

(b) Using only one (1) button on a wireless telecommunications device to initiate or terminate a voice communication; or

(ii) Stand-alone electronic device;

(B) Write, send, or read any text-based communication, including, but not limited to, a text message, instant message, email, or internet data on a wireless telecommunications device or stand-alone electronic device. This subdivision (b)(1)(B) does not apply to any person eighteen (18) years of age or older who uses such devices:

(i) To automatically convert a voice-based communication to be sent as a message in a written form; or

(ii) For navigation of the motor vehicle through use of a device's global positioning system;

(C) Reach for a wireless telecommunications device or stand-alone electronic device in a manner that requires the driver to no longer be:

(i) In a seated driving position; or

(ii) Properly restrained by a safety belt;

(D) Watch a video or movie on a wireless telecommunications device or stand-alone electronic device other than viewing data related to the navigation of the motor vehicle; or

(E) Record or broadcast video on a wireless telecommunications device or stand-alone electronic device. This subdivision (b)(1) does not apply to electronic devices used for the sole purpose of continuously recording or broadcasting video within or outside of the motor vehicle.

(2) Notwithstanding subdivisions (b)(1)(A) and (B), and in addition to the exceptions described in those subdivisions, a function or feature of a wireless telecommunications device or stand-alone electronic device may be activated or deactivated in a manner requiring the physical use of the driver's hand while the driver is operating a motor vehicle if:

(A) The wireless telecommunications device or stand-alone electronic device is mounted on the vehicle's windshield, dashboard, or center console in a manner that does not hinder the driver's view of the road; and

(B) The driver's hand is used to activate or deactivate a feature or function of the wireless telecommunications device or stand-alone electronic device with the motion of one (1) swipe or tap of the driver's finger, and does not activate camera, video, or gaming features or functions for viewing, recording, amusement, or other non-navigational functions, other than features or functions related to the transportation of persons or property for compensation or payment of a fee.

(c)

(1) A violation of this section is a Class C misdemeanor, subject only to imposition of a fine not to exceed fifty dollars (\$50.00). However, if the violation is the person's third or subsequent offense or if the violation results in an accident, the fine is one hundred dollars (\$100); or if the violation occurs in a work zone when employees of the department of transportation or construction workers are present or in a marked school zone when a warning flasher or flashers are in operation, the fine is two

hundred dollars (\$200). Any person violating this section is subject to the imposition of court costs not to exceed ten dollars (\$10.00), including, but not limited to, any statutory fees of officers. State and local litigation taxes are not applicable to a case prosecuted under this section.

(2) In lieu of any fine imposed under subdivision (c)(1), a person who violates this section as a first offense may attend and complete a driver education course pursuant to [§ 55-10-301](#).

(3) Each violation of this section constitutes a separate offense.

(4) A second or subsequent violation of this section by a person who is younger than eighteen (18) years of age results in seven (7) points being charged to the person's driving record.

(d) This section does not apply to the following persons:

(1) Officers of this state or of any county, city, or town charged with the enforcement of the laws of this state, or federal law enforcement officers when in the actual discharge of their official duties;

(2) Campus police officers and public safety officers, as defined by [§ 49-7-118](#), when in the actual discharge of their official duties;

(3) Emergency medical technicians, emergency medical technician-paramedics, and firefighters, both volunteer and career, when in the actual discharge of their official duties;

(4) Emergency management agency officers of this state or of any county, city, or town, when in the actual discharge of their official duties;

(5) Persons using a wireless telecommunications device to communicate with law enforcement agencies, medical providers, fire departments, or other emergency service agencies while driving a motor vehicle, if the use is necessitated by a bona fide emergency, including a natural or human occurrence that threatens human health, life, or property;

(6) Employees or contractors of utility services providers acting within the scope of their employment; and

(7) Persons who are lawfully stopped or parked in their motor vehicles or who lawfully leave standing their motor vehicles.

(e) A traffic citation that is based solely upon a violation of this section is considered a moving traffic violation.

(f) The department of transportation is directed to utilize the department's permanent electronic overhead informational displays located throughout this state to provide periodic messages to the motoring public as to this section.

(g) The department of safety is directed to include distracted driving as part of the instructional information used in driver education training.

IV and V

55-8-131. Vehicle entering highway from drive, private road, or private driveway.

The driver of a vehicle about to enter or cross a highway from a drive, private road, or private driveway shall yield the right-of-way to all vehicles approaching on the highway. As used in this section, "drive" has the same meaning as defined in § 55-8-128.

55-50-505. Driver improvement program — Points — Suspension — Restrictions — Incompetent or unqualified drivers — Reexamination.

(a)

(1)

(A) The department shall conduct a driver improvement program whereby it is authorized to evaluate driver records based on accidents and/or convictions for traffic violations of the drivers, and may assign a point value according to the seriousness of the accident or moving traffic violation conviction.

(B) When the records of the department indicate that a person has been convicted of moving traffic violations or involved in accidents and has accumulated sufficient points, the department may notify the person in writing that the person's driving privilege is being placed under suspension. Notice is to be sent by United States mail to the last known address and will notify the person that the person may request a hearing to determine whether or not the suspension action is proper.

(C)

(i) The commissioner is authorized to establish reasonable rules and regulations to determine the number of points to be assigned for convictions of moving traffic violations and involvement in accidents, to establish the number of points needed for suspension action, and may establish regulations and procedures for the rehabilitation of the person involved to attempt to ensure that the person is a safer driver.

(ii) The commissioner shall not add points to a driver record involving any accident that was reported on the Tennessee Uniform Traffic Crash Report as a "vehicle special use (09) police," "(10) ambulance," or "(11) fire apparatus" and on which the report indicates the driver presence as "driver operated government vehicle"; provided, that the driver is not charged with vehicular assault under [§ 39-13-106](#), vehicular homicide under [§ 39-13-213](#), aggravated vehicular homicide under [§ 39-13-218](#), reckless driving under [§ 55-10-205](#), or driving under the influence of any controlled substance or controlled substance analogue in violation of [§ 55-10-401](#).

(D) Prior to reinstatement of the license, the person shall file and maintain proof of financial responsibility as required under [§ 55-12-114](#) and pay the restoration fee as required under [§ 55-12-126](#).

(2) Drivers subject to subdivision (a)(1) who are less than eighteen (18) years of age on the event date of any crash or moving traffic violation shall be required to file proof of financial responsibility pursuant to chapter 12 of this title.

(b) The department may, upon receiving evidence sufficient to establish that a licensed driver is incompetent or otherwise not qualified to be licensed, upon written notice of at least twenty (20) days to the licensee, require the driver to submit to a driver license examination and/or submit any other information deemed appropriate by the commissioner. The department shall take action as may be appropriate and may suspend the license of the person or permit the driver to retain the license, or may issue a license subject to restrictions as permitted under [§ 55-50-331\(d\)](#) and (e). Refusal or neglect of the licensee to submit to the examination shall be grounds for suspension of the driver license.

(c) All judges having jurisdiction over offenses committed under any statute of this state or municipal ordinance of any city or town regulating the operation of motor vehicles on highways shall have the authority to require any person brought before the court for an alleged violation to submit to a reexamination by the department when the judge has good cause to believe that the person would not be able to operate a motor vehicle safely upon the highways, or at the discretion of the judge, would create a hazard to the driving public. However, the license of the person shall not be withheld or suspended pending the reexamination. Refusal or neglect of the licensee to submit to the examination shall be grounds for suspension or revocation of the license.

Report Drivers with Medical/Physical Disabilities

To report an unsafe driver to Driver Improvement, you must submit a written request with the name and birthdate of the driver, along with a brief description of the problem and your name and phone number. We cannot accept anonymous referrals. You may use the "Special/Medical Examination Request Form" listed below. Submit the referral to us by fax; 615-253-3104 or email to driver.improvement@tn.gov. When Driver Improvement receives a signed, written referral or complaint that a driver has a medical/physical disability, the driver will be given the opportunity to have their medical professional complete and submit a medical form (see below) for review.

Forms:

- [Special/Medical Examination Request Form](#)
- [Medical Forms](#)
- [Bioptic Certification Form](#)

Action taken against these drivers, if any, is based on the completed medical form or other information submitted by their medical professional. In some cases, their driving privileges may be suspended or restrictions may be added. The driver may also in some cases be required to retake all, or any part, of the driver license examination.

The url to find those forms is:

<https://www.tn.gov/safety/driver-services/driver-education-traffic-school/driverimprovement.html>

VI

55-8-110. Traffic-control signals — Inoperative signals.

(a) Whenever traffic is controlled by traffic-control signals exhibiting the words "Go," "Caution" or "Stop," or exhibiting different colored lights successively one (1) at a time, or with arrows, the following colors only shall be used and the terms and lights shall indicate and apply to drivers or vehicles and pedestrians as follows:

(1) Green alone or "Go":

(A) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited; and

(B) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk;

(2) Yellow alone or "Caution," when shown following the green or "Go" signal:

(A) Vehicular traffic facing the signal is warned that the red or "Stop" signal will be exhibited immediately thereafter and that vehicular traffic shall not enter or cross the intersection when the red or "Stop" signal is exhibited; and

(B) Pedestrians facing the signal are advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles;

(3) Red alone or "Stop":

(A) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or if there is a clearly marked stop line preceding the crosswalk, then before such stop line, but if there is neither a crosswalk nor a stop line, then before entering the intersection, and the vehicular traffic shall remain standing until green or "Go" is shown alone. A right turn on a red signal shall be permitted at all intersections within the state; provided, that the prospective turning car shall come to a full and complete stop before turning and that the turning car shall yield the right-of-way to pedestrians and cross traffic traveling in accordance with their traffic signal; provided further, that such turn will not endanger other traffic lawfully using the intersection. A right turn on red shall be permitted at all intersections, except those that are clearly marked by a "No Turns On Red" sign, which may be erected by the responsible municipal or county governments at intersections which they decide require no right turns on red in the interest of traffic safety;

(B) No pedestrian facing such signal shall enter the roadway unless entry can be made safely and without interfering with any vehicular traffic; and

(C) A left turn on a red or stop signal shall be permitted at all intersections within the state where a one-way street intersects with another one-way street moving in the same direction into which the left turn would be made from the original one-way street. Before making such a turn, the prospective turning car shall come to a full and complete stop and shall yield the right-of-way to pedestrians and cross traffic traveling in accordance with the traffic signal so as not to endanger traffic lawfully using the intersection. A left turn on red shall be permitted at any applicable intersection except those clearly marked by a "No Turn on Red" sign, which may be erected by the responsible municipal or county governments at intersections that these governments decide require no left turns on red in the interest of traffic safety;

(4) Red with green arrow:

(A) Vehicular traffic facing this signal may cautiously enter the intersection only to make the movement indicated by the arrow, but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection; and

(B) No pedestrian facing the signal shall enter the roadway unless entry can be made safely and without interfering with any vehicular traffic;

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or before the stop line, but in the absence of any sign or stop line the stop shall be made at the signal;

(6) The operator of any streetcar shall obey the signals in subdivisions (a)(1)–(5) as applicable to vehicles;

(7) All electric highway, street and road vehicular traffic-control signals in Tennessee shall have a uniform arrangement of the colored lenses in the various signal faces of the signals, as follows: In each signal face, all red lenses in vertical signals shall be located above all yellow and green lenses, and in horizontal signals, to the left of all yellow and green lenses. Yellow lenses shall be located between any red lens or lenses and all other lenses; and

(8) Whenever in this state three-light traffic-control signals are used displaying successively green, yellow, and red lights for the direction of motorists and pedestrians, the duration of the yellow plus all red change interval must be determined using engineering practices as identified in the Manual on Uniform Traffic Control Devices (MUTCD), as adopted by the department of transportation in accordance with § 54-5-108(b), and the minimum time exposure of the yellow light must be three (3) seconds. A state agency or political subdivision of the state that installs, owns, operates, or maintains any such traffic-control signal light shall set or cause to be set the timing-control device for the signal light in compliance with this subdivision (a)(8) and the MUTCD, as adopted by the department of transportation in accordance with § 54-5-108(b). A state agency or political subdivision of the state that installs, owns, operates, or maintains a traffic-control signal light in an intersection that employs a surveillance camera for the enforcement or monitoring of traffic violations shall not reduce the time exposure of the yellow light at the intersection with the intended purpose of increasing the number of traffic violations.

(b) Notwithstanding any law to the contrary, the driver of a motorcycle approaching an intersection that is controlled by a traffic-control signal utilizing a vehicle detection device that is inoperative due to the size of the motorcycle shall come to a full and complete stop at the intersection and, after exercising due care as provided by law, may proceed with due caution when it is safe to do so. It is not a defense to a violation of § 55-8-109 that the driver of a motorcycle proceeded under the belief that a traffic-control signal utilized a vehicle detection device or was inoperative due to the size of the motorcycle when the signal did not utilize a vehicle detection device or that the device was not in fact inoperative due to the size of the motorcycle.

(c) The driver of any vehicle approaching an intersection that is controlled by a traffic-control signal that is inoperative because of mechanical failure or accident shall come to a full and complete stop at the intersection, and may proceed with due caution when it is safe to do so; provided, that if two (2) or more vehicles enter such an intersection from different directions at approximately the same time, after having come to full and complete stops, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right. A traffic-control signal shall not be considered inoperative if the signal is operating in flashing mode. If a signal is operating in flashing mode, it shall require obedience by vehicular traffic pursuant to § 55-8-112.

(d) Notwithstanding any law to the contrary, the rider of a bicycle approaching an intersection that is controlled by a traffic-control signal utilizing a vehicle detection device that is inoperative due to the size of the bicycle shall come to a full and complete stop at the intersection and, after exercising due care as provided by law, may proceed with due caution when it is safe to do so. It is not a defense to a violation of § 55-8-109 that the rider of a bicycle proceeded under the belief that a traffic-control signal utilized a vehicle detection device or was inoperative due to the size of the bicycle when the signal did not utilize a vehicle detection device or that the device was not in fact inoperative due to the size of the bicycle.

(e) It is not a violation of subdivision (a)(3), unless the front tires of a vehicle cross the stop line after the signal is red.

VIII

55-9-603. Use of safety belts in passenger vehicles — Violations — Penalties — Arrest — Applicability.

(a)

(1) No person shall operate a passenger motor vehicle on any highway, as defined in § 55-8-101, in this state unless the person and all passengers four (4) years of age or older are restrained by a safety belt at all times the vehicle is in forward motion.

(2) No person four (4) years of age or older shall be a passenger in a passenger motor vehicle on any highway, as defined in § 55-8-101, in this state, unless the person is restrained by a safety belt at all times the vehicle is in forward motion.

(b)

(1) This section shall apply only to the operator and all passengers occupying the front seat of a passenger motor vehicle.

(2) If the vehicle is equipped with a rear seat that is capable of folding, this section shall only apply to front seat passengers and the operator if the back seat is in the fold down position.

(c) As used in this section, unless specified otherwise, "passenger car" or "passenger motor vehicle" does not include any motor vehicle that is used as a public or livery conveyance for passengers or any motor vehicles that are not required by federal law to be equipped with safety belts, except autocycles as defined in § 55-1-103.

(d)

(1) A violation of this section is a Class C misdemeanor. All proceeds from the fines imposed by this subsection (d), except as otherwise provided by subdivisions (d)(2) and (3), shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible individuals with disabilities, as defined in § 49-11-602, who have been severely injured in motor vehicle accidents.

(2)

(A) A person charged with a violation of this section may, in lieu of appearance in court, submit a fine of thirty dollars (\$30.00) for a first violation, and fifty-five dollars (\$55.00) for a second or subsequent

violation to the clerk of the court that has jurisdiction of the offense within the county in which the offense charged is alleged to have been committed.

(B) The revenue generated by fifteen dollars (\$15.00) of the thirty-dollar fine in subdivision (d)(2)(A) for a person's first conviction shall be deposited in the state general fund without being designated for any specific purpose. Ten dollars (\$10.00) of the thirty-dollar fine for the person's first conviction under subdivision (d)(2)(A) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible individuals with disabilities, as defined in § 49-11-602, who have been severely injured in motor vehicle accidents. The remaining five dollars (\$5.00) of the thirty-dollar fine for the person's first conviction under subdivision (d)(2)(A) shall be retained by the court clerk.

(C) The revenue generated by thirty dollars (\$30.00) of the fifty-five-dollar fine under subdivision (d)(2)(A) for a person's second or subsequent conviction shall be deposited in the state general fund without being designated for any specific purpose. Twenty dollars (\$20.00) of the fifty-five-dollar fine for the person's second or subsequent conviction under subdivision (d)(2)(A) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible individuals with disabilities, as defined in § 49-11-602, who have been severely injured in motor vehicle accidents. The remaining five dollars (\$5.00) of the fifty-five-dollar fine for the person's second or subsequent conviction under subdivision (d)(2)(A) shall be retained by the court clerk.

(3)

(A) Notwithstanding subdivision (d)(2), a person charged with a violation of subsection (i) may, in lieu of appearance in court, submit a fine of thirty dollars (\$30.00) to the clerk of the court that has jurisdiction of the offense within the county in which the offense charged is alleged to have been committed.

(B) Notwithstanding subdivision (d)(2), the revenue generated by fifteen dollars (\$15.00) of the thirty-dollar fine under subdivision (d)(3)(A) for a person's first conviction under subsection (i) shall be deposited in the state general fund without being designated for any specific purpose. Ten dollars (\$10.00) of the thirty-dollar fine for the person's first conviction under subsection (i) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible individuals with disabilities, as defined in § 49-11-602, who have been severely injured in motor vehicle accidents. The remaining five dollars (\$5.00) of the thirty-dollar fine for the person's first conviction under subsection (i) shall be retained by the court clerk.

(C) The revenue generated by five dollars (\$5.00) of the thirty-dollar fine under subdivision (d)(3)(A) for a person's second or subsequent conviction under subsection (i) shall be deposited in the state general fund without being designated for any specific purpose. Twenty dollars (\$20.00) of the thirty-dollar fine for the person's second or subsequent conviction under subsection (i) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible individuals with disabilities, as defined in § 49-11-602, who have been severely injured in motor vehicle accidents. The remaining five dollars (\$5.00) of the thirty-dollar fine for the person's second or subsequent conviction under subsection (i) shall be retained by the court clerk.

(e) Except as otherwise provided by subdivisions (d)(2) and (3), no clerk's fee nor court costs, including, but not limited to, any statutory fees of officers, shall be imposed or assessed against anyone convicted of a violation of this section. No litigation tax levied pursuant to title 67, chapter 4, part 6, shall be imposed or assessed against anyone convicted of a violation of this section.

(f)

(1) A law enforcement officer observing a violation of this section shall issue a citation to the violator, but shall not arrest or take into custody any person solely for a violation of this section.

(2) The department of safety shall not report any convictions under this section except for law enforcement or governmental purposes.

(g) In no event shall a violation of this section be assigned a point value for suspension or revocation of a license by the department of safety, nor shall the violation be construed as any other offense under this title.

(h) This section does not apply to:

(1) A passenger or operator with a physical disability which prevents appropriate restraint in a safety seat or safety belt; provided, that the condition is duly certified in writing by a physician who shall state the nature of the disability, as well as the reason a restraint is inappropriate;

(2) A passenger motor vehicle operated by a rural letter carrier of the United States postal service while performing the duties of a rural letter carrier;

(3) Salespersons or mechanics employed by an automobile dealer who, in the course of their employment, test-drive a motor vehicle, if the dealership customarily test-drives fifty (50) or more motor vehicles a day, and if the test-drives occur within one (1) mile of the location of the dealership;

(4) Water, gas, and electric meter readers, and utility workers, while the meter reader or utility worker is:

(A) Emerging from and reentering a vehicle at frequent intervals; and

(B) Operating the vehicle at speeds not exceeding forty miles per hour (40 mph);

(5) A newspaper delivery motor carrier service while performing the duties of a newspaper delivery motor carrier service; provided, that this exemption shall only apply from the time of the actual first delivery to the customer until the last actual delivery to the customer;

(6) A vehicle in use in a parade if operated at less than fifteen miles per hour (15 mph);

(7) A vehicle in use in a hayride if operated at less than fifteen miles per hour (15 mph);

(8) A vehicle crossing a highway from one field to another if operated at less than fifteen miles per hour (15 mph); or

(9) An ADS or an ADS-operated vehicle. Except as otherwise provided by § 55-9-606(2), for purposes of an ADS-operated vehicle, a passenger or human operator required to be restrained by a safety belt pursuant to this section is solely responsible for the passenger's or human operator's compliance with such requirement.

(i)

(1) Notwithstanding this section to the contrary, no person between sixteen (16) years of age and up to and through the age of seventeen (17) years of age, shall operate a passenger motor vehicle, or be a passenger therein, unless the person is restrained by a safety belt at all times the vehicle is in forward motion.

(2) Notwithstanding subdivision (b)(1), this subsection (i) shall apply to all occupants between sixteen (16) years of age and eighteen (18) years of age occupying any seat in a passenger motor vehicle.

(3) Notwithstanding subdivision (f)(1), a law enforcement officer observing a violation of this subsection (i) shall issue a citation to the violator, but shall not arrest or take into custody any person solely for a violation of this subsection (i).

(j) Notwithstanding subsection (b), no person with a learner permit or an intermediate driver license shall operate a passenger motor vehicle in this state unless the person and all passengers between the ages of four (4) and seventeen (17) years of age are restrained by a safety belt at all times the vehicle is in forward motion.