

P.L.2009, CHAPTER 318, *approved January 18, 2010*
Assembly, No. 870 (*First Reprint*)

1 AN ACT concerning safety seat belt usage and amending ¹and
2 supplementing¹ P.L.1984, c.179.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 2 of P.L.1984, c.179 (C.39:3-76.2f) is amended to
8 read as follows:

9 2. a. Except as provided in P.L.1983, c.128 (C.39:3-76.2a et
10 al.) for children under eight years of age and weighing less than 80
11 pounds, all passengers **[under eight years of age and weighing more**
12 **than 80 pounds, and all passengers who are at least eight years of**
13 **age but less than 18 years of age, and each driver and front seat**
14 **passenger]** ¹under eight years of age and weighing more than 80
15 pounds, and all passengers who are at least eight years of age but
16 less than 18 years of age, and each driver and front seat passenger¹
17 of a passenger automobile operated on a street or highway in this
18 State shall wear a properly adjusted and fastened safety seat belt
19 system as defined by Federal Motor Vehicle Safety Standard
20 Number 209.

21 b. The driver of a passenger automobile shall secure or cause to
22 be secured in a properly adjusted and fastened safety seat belt
23 system, as defined by Federal Motor Vehicle Safety Standard
24 Number 209, any passenger who is at least eight years of age but
25 less than 18 years of age.

26 ¹c. All rear seat passengers 18 years of age or older of a
27 passenger automobile operated on a street or highway in this State
28 shall wear a properly adjusted and fastened safety seat belt system
29 as defined by Federal Motor Vehicle Safety Standard Number 209.¹

30 For the purposes of the "Passenger Automobile Seat Belt Usage
31 Act," the term "passenger automobile" shall include vans, pick-up
32 trucks, and utility vehicles.
33 (cf: P.L.2001, c.244, s.2)

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35 ¹2. Section 3 of P.L.1984, c.179 (C.39:3-76.2g) is amended to
36 read as follows:

37 3. This act shall not apply to a driver or **[front seat]** passenger
38 of:

39 a. A passenger automobile manufactured before July 1, 1966;

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate STR committee amendments adopted January 7, 2010.

1 b. A passenger automobile in which the driver or passenger
2 possesses a written verification from a licensed physician that the
3 driver or passenger is unable to wear a safety seat belt system for
4 physical or medical reasons;

5 c. A passenger automobile which is not required to be
6 equipped with a safety seat belt system under federal law;

7 d. A passenger automobile operated by a rural letter carrier of
8 the United States Postal Service while performing the duties of a
9 rural letter carrier; or

10 e. A passenger automobile which was originally constructed
11 with fewer safety seat belt systems than are necessary to allow the
12 passenger to be buckled.¹

13 (cf: P.L.1999, c.422, s.2)

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15 ¹3. (New section) Enforcement of the provisions of subsection
16 c. of section 2 of P.L.1984, c.179 (C.39:3-76.2f) by State or local
17 law enforcement officials shall be accomplished by treating a
18 violation thereof only as a secondary offense when a driver of a
19 passenger automobile has been detained for some other suspected
20 violation of Title 39 of the Revised Statutes or other law. Each rear
21 seat passenger 18 years of age or older of a passenger automobile
22 shall be responsible for any fine imposed pursuant to section 6 of
23 P.L.1984, c.179 (C.39:3-76.2j) for failure to wear a seat belt
24 pursuant to subsection c. of section 2 of P.L.1984, c.179 (C.39:3-
25 76.2f).¹

26

27 ¹[2.] 4.¹ This act shall take effect immediately.

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Requires all automobile passengers to wear seat belts.