SYNOPSIS

Implements current car seat safety recommendations.

CURRENT VERSION OF TEXT

As amended by the General Assembly on June 16, 2014.

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

1. Section 1 of P.L.1983, c.128 (C.39:3-76.2a) is amended to read as follows:
   1. Every person operating a motor vehicle, other than a school bus, equipped with safety belts or a Lower Anchors and Tethers for Children system (LATCH) who is transporting a child under the age of eight years and weighing less than 80 pounds on roadways, streets or highways of this State, shall secure the child in a child passenger restraint system or booster seat, as described in Federal Motor Vehicle Safety Standard Number 213, in a rear seat as follows:
      a. A child under the age of two years and weighing less than 30 pounds shall be secured in a rear facing child passenger restraint system, which is equipped with a five-point harness.
      b. A child under the age of four years and weighing less than 40 pounds shall be secured:
         (1) in a rear facing child passenger restraint system, which is equipped with a five-point harness, until the child outgrows the top height or top weight recommendations made by the manufacturer of the child passenger restraint system, at which point the child shall be secured in a rear seat, in a forward facing child passenger restraint system which is equipped with a five-point harness; or
         (2) in a forward facing child passenger restraint system which is equipped with a five-point harness.
      c. A child under the age of eight years and less than 57 inches in height shall be secured:
         (1) in a forward facing child passenger restraint system which is equipped with a five-point harness, until the child outgrows the top height or top weight recommendations made by the manufacturer of the child passenger restraint system, at which point the child shall be secured in a rear seat, in a booster seat; or
         (2) in a booster seat.
      d. If there are no rear seats, the child shall be secured in a child passenger restraint system or booster seat, as described in Federal Motor Vehicle Safety Standard Number 213 in a front seat of a motor vehicle except that no child shall be secured in a rear facing child passenger restraint system in a front seat of any motor vehicle which is equipped with a passenger-side airbag that is not disabled or turned off.

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:
1Assembly floor amendments adopted June 16, 2014.
e. In no event shall failure to [wear] be secured in a child passenger restraint system or [to use a] booster seat be considered as contributory negligence, nor shall the failure to [wear] be secured in the child passenger restraint system or booster be admissible as evidence in the trial of any civil action.

(cf: P.L.2001, c.244, s.1)

2. Section 3 of P.L.2001, c.244 (C.39:3-76.2c) is amended to read as follows:

3. The [Division of Motor Vehicles] [Motor Vehicle Commission] Division of Highway Traffic Safety in the Department of Law and Public Safety shall print [such] materials [as] to adequately inform the public about the types of child passenger restraint systems and booster seats, meeting federal motor vehicle safety standards to reflect the provisions of section 1 of P.L. c. (pending before the Legislature as this bill). These materials may be made available to car dealers, parent groups, hospitals, pediatricians and the general public.

(cf: P.L.1983, c.128, s.3)

3. Section 4 of P.L.1983, c.128 (C.39:3-76.2d) is amended to read as follows:

4. Any person guilty of violating any of the provisions of this act shall be fined not less than [$10.00] $50 and not more than [$25.00] $75. The court shall suspend any fine imposed for failure to use a child restraint system if the defendant demonstrates that he possesses a child restraint system that complies with the federal standard applicable when it was manufactured and is using it according to the manufacturer's instructions.

(cf: P.L.1983, c.128, s.4)

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

2. a. Except as provided in P.L.1983, c.128 (C.39:3-76.2a et al.) for children under eight years of age and [weighing less than 80 pounds] [less than 57 inches in height], all passengers under eight years of age and [weighing more than 80 pounds] [at least 57 inches in height], and all passengers who are at least eight years of age but less than 18 years of age, and each driver and front seat passenger of a passenger automobile operated on a street or highway in this State shall wear a properly adjusted and fastened safety seat belt system as defined by Federal Motor Vehicle Safety Standard Number 209.

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

c. All rear seat passengers 18 years of age or older of a passenger automobile operated on a street or highway in this State shall wear a properly adjusted and fastened safety seat belt system as defined by Federal Motor Vehicle Safety Standard Number 209. For the purposes of the "Passenger Automobile Seat Belt Usage Act," the term "passenger automobile" shall include vans, pick-up trucks, and utility vehicles.

(cf: P.L.2009, c.318, s.1)

5. This act shall take effect on the first day of the fourth month next following enactment.