

# SENATE, No. 1181

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED MARCH 27, 2000

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator GARRY J. FURNARI**

**District 36 (Bergen, Essex and Passaic)**

**Co-Sponsored by:**

**Senators Singer and Turner**

**SYNOPSIS**

Concerns use of child passenger restraint systems, booster seats and seat belts.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/16/2001)**

S1181 VITALE, FURNARI

2

1 AN ACT concerning the use of child passenger restraint systems,  
2 booster seats, and seat belts, amending P.L.1983, c.128 and  
3 P.L.1984, c.179 and repealing section 2 of P.L.1983, c.128.

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

7  
8 1. Section 1 of P.L.1983, c.128 (C.39:3-76.2a) is amended to read  
9 as follows:

10 1. Every person operating a motor vehicle, other than a school bus,  
11 equipped with safety belts who is transporting a child under the age of  
12 **[5] eight years and weighing less than 80 pounds** on roadways, streets  
13 or highways of this State, shall **[be responsible for the protection of**  
14 **the child by properly using] secure the child in** a child passenger  
15 restraint system **[that complies with the federal motor vehicle safety**  
16 **standard applicable when it was manufactured, or where the child is**  
17 **18 months of age or more but under 5 years of age by securing the**  
18 **child with a safety belt in a rear seat. If there are no rear seats, a child**  
19 **restraint system must be used] or booster seat, as described in Federal**  
20 **Motor Vehicle Safety Standard Number 213, in a rear seat.** In no  
21 event shall failure to wear a child passenger restraint system or to use  
22 a booster seat be considered as contributory negligence, nor shall the  
23 failure to wear the child passenger restraint system be admissible as  
24 evidence in the trial of any civil action.

25 (cf: P.L.1983, c.128, s.1)

26

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

29 2. a. Except as provided in P.L.1983, c.128 (C.39:3-76.2a et al.)  
30 for children under **[five] eight years of age and weighing less than 80**  
31 **pounds [and except as provided in subsection b. of this section for]**  
32 **, all passengers who are at least [five] eight years of age but less than**  
33 **18 years of age, and all passengers under eight years of age and**  
34 **weighing more than 80 pounds, and** each driver and front seat  
35 passenger of a passenger automobile operated on a street or highway  
36 in this State shall wear a properly adjusted and fastened safety seat belt  
37 system as defined by Federal Motor Vehicle Safety Standard Number  
38 209.

39 b. The driver of a passenger automobile shall secure or cause to  
40 be secured in a properly adjusted and fastened safety seat belt system,  
41 as defined by Federal Motor Vehicle Safety Standard Number 209, any  
42 passenger **[in the front seat]** who is at least **[five] eight years of age**

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

**Matter underlined thus is new matter.**

1 but less than 18 years of age.

2 For the purposes of the "Passenger Automobile Seat Belt Usage  
3 Act," the term "passenger automobile" shall include vans, pick-up  
4 trucks and utility vehicles.

5 (cf: P.L.1999, c.422, s.1)

6

7 3. Section 2 of P.L.1983, c.128 (C.39:3-76.2b) is repealed.

8

9 4. This act shall take effect immediately.

10

11

12 STATEMENT

13

14 This bill would require children who are under the age of eight and  
15 who weigh less than 80 pounds to be secured in a child passenger  
16 restraint system or booster seat in the rear seat. Children who are at  
17 least eight years old, but less than 18 years old must wear a seat belt  
18 when seated anywhere in a passenger automobile as do children under  
19 the age of eight weighing more than 80 pounds. This bill would make  
20 New Jersey law conform with the safety standards recommended by  
21 the National Transportation Safety Board.

22 Under current law, children under 18 months old must currently be  
23 secured in a child passenger restraint system. Children 18 months or  
24 older, but less than five years may be secured in a child passenger  
25 restraint system or in the rear seat with a seat belt. Children who are  
26 at least five years old, but less than 18 years old are required to wear  
27 a seat belt only when seated in the front seat of a passenger vehicle.  
28 Drivers and front seat passengers also are currently required to wear  
29 seat belts.

30 This bill repeals section 2 of P.L.1983, c.128 (C.39:3-76.2b) which  
31 permitted unstrained children to ride in the rear seat of a motor  
32 vehicle.