

[First Reprint]

ASSEMBLY, No. 3161

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED MAY 15, 2014

Sponsored by:

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator DIANE B. ALLEN

District 7 (Burlington)

SYNOPSIS

Implements current car seat safety recommendations.

CURRENT VERSION OF TEXT

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



(Sponsorship Updated As Of: 3/17/2015)

1 AN ACT concerning child passenger restraint systems and amending
2 P.L.1983, c.128, P.L.2001, c.244, and 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 1 of P.L.1983, c.128 (C.39:3-76.2a) is amended to
8 read as follows:

9 1. Every person operating a motor vehicle, other than a school
10 bus, equipped with safety belts or a Lower Anchors and Tethers for
11 Children system (LATCH) who is transporting a child **[**under the
12 age of eight years and weighing less than 80 pounds**]** on roadways,
13 streets or highways of this State, shall secure the child in a child
14 passenger restraint system or booster seat, as described in Federal
15 Motor Vehicle Safety Standard Number 213, in a rear seat as
16 follows:

17 a. A child under the age of two years and weighing less than 30
18 pounds shall be secured in a rear facing child passenger restraint
19 system, which is equipped with a five-point harness.

20 b. A child under the age of four years and weighing less than
21 40 pounds shall be secured:

22 (1) in a rear facing child passenger restraint system, which is
23 equipped with a five-point harness, until the child outgrows the top
24 height or top weight recommendations made by the manufacturer of
25 the child passenger restraint system, at which point the child shall
26 be secured in a rear seat, in a forward facing child passenger
27 restraint system which is equipped with a five-point harness; or

28 (2) in a forward facing child passenger restraint system which is
29 equipped with a five-point harness.

30 c. A child under the age of eight years and less than 57 inches
31 in height shall be secured:

32 (1) in a forward facing child passenger restraint system which is
33 equipped with a five-point harness, until the child outgrows the top
34 height or top weight recommendations made by the manufacturer of
35 the child passenger restraint system, at which point the child shall
36 be secured in a rear seat, in a booster seat; or

37 (2) in a booster seat.

38 d. If there are no rear seats, the child shall be secured in a child
39 passenger restraint system or booster seat **[**, as described in Federal
40 Motor Vehicle Safety Standard Number 213**]** in a front seat of a
41 motor vehicle except that no child shall be secured in a rear facing
42 child passenger restraint system in a front seat of any motor vehicle
43 which is equipped with a passenger-side airbag that is not disabled
44 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.

1 e. In no event shall failure to **wear** be secured in a child
2 passenger restraint system or **to use a** booster seat be considered
3 as contributory negligence, nor shall the failure to **wear** be
4 secured in the child passenger restraint system or booster be
5 admissible as evidence in the trial of any civil action.

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

7
8 2. Section 3 of P.L.2001, c.244 (C.39:3-76.2c) is amended to
9 read as follows:

10 3. The **Division of Motor Vehicles** ¹**Motor Vehicle**
11 **Commission** Division of Highway Traffic Safety in the
12 Department of Law and Public Safety¹ shall print **such** materials
13 **as** to adequately inform the public about the types of child
14 passenger restraint systems and booster seats meeting federal motor
15 vehicle safety standards to reflect the provisions of section 1 of P.L.
16 c. (C.) (pending before the Legislature as this bill). These
17 materials may be made available to car dealers, parent groups,
18 hospitals, pediatricians and the general public.

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

20
21 3. Section 4 of P.L.1983, c.128 (C.39:3-76.2d) is amended to
22 read as follows:

23 4. Any person guilty of violating any of the provisions of this
24 act shall be fined not less than **[\$10.00]** \$50 and not more than
25 **[\$25.00]** \$75. **The court shall suspend any fine imposed for**
26 **failure to use a child restraint system if the defendant demonstrates**
27 **that he possesses a child restraint system that complies with the**
28 **federal standard applicable when it was manufactured and is using**
29 **it according to the manufacturer's instructions.]**

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

31
32 4. Section 2 of P.L.1984, c.179 (C.39:3-76.2f) is amended to
33 read as follows:

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

44 b. The driver of a passenger automobile shall secure or cause to
45 be secured in a properly adjusted and fastened safety seat belt
46 system, as defined by Federal Motor Vehicle Safety Standard

1 Number 209, any passenger who is at least eight years of age but
2 less than 18 years of age.

3 c. All rear seat passengers 18 years of age or older of a
4 passenger automobile operated on a street or highway in this State
5 shall wear a properly adjusted and fastened safety seat belt system
6 as defined by Federal Motor Vehicle Safety Standard Number 209.

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

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

11

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