

ASSEMBLY, No. 729

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen R. SMITH and GREEN

1 AN ACT concerning the use of child passenger restraint systems and
2 amending P.L.1983, c.128.

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

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

9 4. Any person guilty of violating any of the provisions of this act
10 shall be [fined not less than \$10.00 and not more than \$25.00] subject
11 to the following penalties:

12 (1) For a first offense a fine of not less than \$250 or more than
13 \$400;

14 (2) For a second offense a fine of not less than \$500 or more than
15 \$1000 and suspend or postpone for 30 days the person's license to
16 operate a motor vehicle;

17 (3) For a subsequent offense a \$1000 fine and suspend or postpone
18 for six months the person's license to operate a motor vehicle.

19 [The court shall suspend any fine imposed for failure to use a child
20 restraint system if the defendant demonstrates that he possesses a child
21 restraint system that complies with the federal standard applicable
22 when it was manufactured and is using it according to the
23 manufacturer's instructions.]

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

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26 2. This act shall take effect on the first day of the third month after
27 enactment.

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STATEMENT

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31 This bill upgrades penalties for motor vehicle operators who fail to
32 properly use an approved child passenger restraint system or a safety

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 belt, as required, for children under five years of age.

2 The penalty now is a fine of between \$10 and \$25. The penalty
3 would increase according to the following schedule: (a) for a first
4 offense, a fine of \$250 to \$400 (b) for a second offense, a fine of \$500
5 to \$1000 and a driver's license suspension or postponement for 30
6 days and (c) for each subsequent offense, a \$1000 fine and a driver's
7 license suspension or postponement for six months. Also, the court
8 would no longer be required to waive penalties if a defendant
9 demonstrates his possession of such a system in court. Such a waiver
10 was only appropriate in the early years of child seat enforcement.

11 Automobile crashes are the leading cause of death for American
12 children. In New Jersey, automobile crashes represent the second
13 leading cause of death for children under age 14 after fire-related
14 causes. The tragedy is that many of the deaths and injuries could have
15 been avoided if parents had taken the time to buckle their children into
16 a proper child restraint system. In the National Occupant Protection
17 Use Survey conducted by NHTSA in 1994, it was found that only 61
18 percent of toddlers one through four years of age were properly
19 restrained. A somewhat higher percentage of infants were found to be
20 placed in child safety seats.

21 The purpose of the enhanced penalties provided by this bill is to
22 encourage more parents to obtain the proper restraint systems and take
23 the time to use them.

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29 Increases penalties for failure to properly use child restraint systems
in motor vehicles.