

ASSEMBLY, No. 1768

STATE OF NEW JERSEY

INTRODUCED MARCH 25, 1996

By Assemblywoman MURPHY, Assemblymen BUCCO,
DeCroce and Bodine

1 AN ACT concerning the use of safety belt systems in passenger
2 automobiles when so equipped, amending P.L.1984, c.179 and
3 repealing section 5 of P.L.1984, c.179.

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

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

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

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

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

26 (cf: P.L.1984, c.179, s.2)

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

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

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

32 b. A passenger automobile in which the driver or passenger
33 possesses a written verification from a licensed physician that the

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 driver or passenger is unable to wear a safety seat belt system for
2 physical or medical reasons;

3 c. A passenger automobile which is not required to be equipped
4 with safety seat belt system under federal law; [or]

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

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

11 (cf: P.L.1984, c.179, s.3)

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13 3. Section 6 of P.L.1984, c.179 (C.39:3-76.2j) is amended to read
14 as follows:

15 6. A person who violates section 2 of this act shall be fined \$20.00.
16 In no case shall motor vehicle points or automobile insurance eligibility
17 points pursuant to section 26 of P.L.1990, c.8 (C.17:33B-14) be
18 assessed against any person for a violation of this act. A person who
19 is fined under this section for a violation of this act shall not be subject
20 to a surcharge under the New Jersey Merit Rating Plan as provided in
21 section 6 of P.L.1983, c.65 (C.17:29A-35).

22 (cf: P.L.1984, c.179, s.6)

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24 4. Section 5 of P.L.1984, c.179 (C.39:3-76.2i) is repealed.

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26 5. (New section) The Director of the Office of Highway Traffic
27 Safety shall study the effectiveness of this amendatory act and shall
28 submit to the Legislature a report containing his findings on the first
29 day of the 25th month following the effective date of this amendatory
30 act.

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32 6. This act shall take effect on the first day of the fourth month
33 following enactment.

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STATEMENT

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38 This bill modifies the "Passenger Automobile Seat Belt Usage Act"
39 to require the driver and all passengers, whether seated in the front or
40 rear seats in an automobile to wear a seat belt. Current law requires
41 only the driver, front seat passengers, and children under age five to
42 be belted.

43 In addition, the bill repeals section 5 of P.L.1984, c.179
44 (C.39:3-76.2i) which made the enforcement of the seat belt law a
45 secondary action. The repeal of this section will result in making the
46 enforcement a "primary" action; consequently, a law enforcement

1 officer would be able to stop and ticket a motorist if he observes that
2 the motorist is not wearing a seat belt.

3 If there are not enough seat belts for each passenger in a vehicle,
4 the bill exempts the passenger without the seat belt from the penalty
5 for failing to wear one.

6 The bill changes the definition of "passenger automobile" to include
7 vans, pick-up trucks and utility vehicles so that the drivers and
8 passengers of these vehicles would have to wear seat belts. The bill
9 also provides that no insurance eligibility or merit rating surcharge
10 points are to be assessed for a violation of the seat belt law.

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15 Requires all passengers and driver to wear seat belts with certain
16 exceptions; permits enforcement of seat belt law as primary action.