

ASSEMBLY, No. 2619

STATE OF NEW JERSEY

INTRODUCED DECEMBER 16, 1996

By Assemblyman KELLY

1 AN ACT concerning child passenger restraint and safety seat belt
2 systems, amending P.L.1983, c.128 and P.L.1984, c.179 and
3 repealing section 2 of P.L.1983, c.128.

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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 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 equipped with safety
11 belts who is transporting a child under the age of [5] eight years on
12 roadways, streets or highways of this State, shall be responsible for the
13 protection of the child by properly using a child passenger restraint
14 system that is designed to accommodate the child's size and complies
15 with the federal motor vehicle safety standard applicable when it was
16 manufactured [, or where the child is 18 months of age or more but
17 under 5 years of age by securing the child with a safety belt in a rear
18 seat. If there are no rear seats, a child restraint system must be used].
19 For the purposes of this act, a "child passenger restraint system"
20 means an infant, convertible, booster or built-in safety seat or similar
21 child passenger restraint system that complies with the federal motor
22 vehicle safety standard applicable when it was manufactured. In no
23 event shall failure to wear a child passenger restraint system be
24 considered as contributory negligence, nor shall the failure to wear the
25 child passenger restraint system be admissible as evidence in the trial
26 of any civil action.

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

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

31 a. Except as provided in P.L.1983, c.128 (C.39:3-76.2a et al.) for
32 children under [five] eight years of age and except as provided in
33 subsection b. of this section for passengers who are at least [five] eight
34 years of age but less than 18 years of age, each driver and front seat

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 passenger of a passenger automobile operated on a street or highway
2 in this State shall wear a properly adjusted and fastened safety seat belt
3 system as defined by Federal Motor Vehicle Safety Standard Number
4 209.

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

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

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

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14 4. This act shall take effect on the first day of the third month
15 following enactment.

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STATEMENT

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20 The purpose of this bill is to implement National Transportation
21 Safety Board recommendations concerning the mandatory use of child
22 passenger restraint systems by drivers transporting children in motor
23 vehicles.

24 The bill would require that children seven years old or younger be
25 properly secured in a child passenger restraint system when riding in
26 a motor vehicle. Under current law, children under five years old
27 must be properly secured in a restraint system when riding in the front
28 seat of a vehicle. Since children from birth to seven years of age vary
29 greatly in size, the bill requires that a restraint system appropriate to
30 a child's size be used.

31 The bill defines a "child passenger restraint system" as an infant
32 seat, convertible seat, booster seat, built-in safety seat or similar child
33 passenger restraint system that complies with the federal motor vehicle
34 safety standard applicable when it was manufactured. Infant seats are
35 typically designed for infants weighing up to 20 pounds. Convertible
36 seats are designed for infants and toddlers weighing up to 40 pounds.
37 Older children, generally those over 30 pounds, would be restrained
38 in booster seats, built-in safety seats or other similar devices designed
39 to accommodate their larger size.

40 Under current law, drivers have the option of securing children
41 under five years old but older than 18 months in either a car seat or,
42 if the child is seated in a rear seat, a safety belt. To make the child
43 passenger restraint system requirement uniformly applicable to all
44 children under eight seated anywhere in the motor vehicle, the bill
45 eliminates the driver's option of seating these children in the rear seat

1 with a safety belt. It also repeals section 2 of P.L.1983, c.128
2 (C.39:3-76.2b), which required children four years old and younger to
3 sit in the rear when they are permitted to ride unrestrained because the
4 number of children in the family exceeds the available seat belts in the
5 motor vehicle.

6 The bill also would require drivers to ensure that children from
7 eight to 17 years old who are seated anywhere in the motor vehicle are
8 secured in safety seat belt systems. Drivers presently are required to
9 ensure that all front seat passengers are secured in safety seat belt
10 systems.

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15 Requires drivers to secure children age seven and younger in safety
16 seats and children age eight to 17 in seat belts.