

SENATE, No. 904

STATE OF NEW JERSEY

INTRODUCED MARCH 7, 1996

By Senator LIPMAN

1 AN ACT concerning child passenger restraint systems, supplementing
2 Title 2A of the New Jersey Statutes and supplementing and
3 amending 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. (New section) a. (1) For a period of 24 months following the
9 effective date of this section, no person or organization that establishes
10 a program to lend child passenger restraint systems of a type approved
11 by the Office of Highway Traffic Safety in the Department of Law and
12 Public Safety shall be liable in any civil action for damages or physical
13 injury arising during that 24-month period from any act of commission
14 or omission if:

15 (a) the person or organization files an affidavit with the court
16 certifying the correct identity and address of the manufacturer of the
17 child passenger restraint system which was in use at the time of the
18 injury or death; and

19 (b) the manufacturer is subject to the jurisdiction of the courts of
20 this State.

21 (2) If the requirements of subparagraphs (a) and (b) of paragraph
22 (1) of this subsection have been satisfied, and the claim against the
23 person or organization is dismissed, a party may vacate the dismissal
24 if:

25 (a) the statute of limitations bars the assertion of a claim against
26 the manufacturer;

27 (b) any of the information provided by the person or organization
28 in its affidavit is incorrect; or

29 (c) the court determines that the manufacturer is ultimately unable
30 to satisfy a judgment.

31 b. Nothing in this section shall preclude liability for civil damages
32 if:

33 (1) the person or organization has modified in any way the child
34 passenger restraint system;

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.

1 (2) the person or organization failed to make reasonable safety
2 inspections of the child passenger restraint system;

3 (3) the child passenger restraint system was not in proper operating
4 condition when loaned;

5 (4) the person or organization improperly installed the child
6 passenger restraint system;

7 (5) the person or organization provided a child passenger restraint
8 system inappropriate for its intended use as prescribed by State or
9 federal regulation;

10 (6) the person or organization had actual knowledge that the child
11 passenger restraint system was defective; or

12 (7) the person or organization caused or created a defect in the
13 child passenger restraint system which did not exist when it left the
14 hands of the manufacturer.

15 c. No later than 21 months following the effective date of this
16 section, the Director of the Office of Highway Traffic Safety shall
17 report to the Legislature on the impact the provisions of subsection a.
18 of this section have made on the establishment or expansion of
19 programs to lend child passenger restraint systems and their overall
20 availability through such programs. The report shall include a
21 comparison of the number of such programs in operation and the
22 number of child passenger restraint systems available through those
23 programs at the time this act takes effect, with the number of
24 programs and child passenger restraint systems available through those
25 programs at the time the report is made, as well as any
26 recommendations of the director with respect to continuing the
27 provisions of subsection a. and any amendments thereto as part of that
28 continuation.

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30 2. (New section) There is established a nonlapsing revolving fund,
31 to be known as the Office of Highway Traffic Safety Child Passenger
32 Restraint System Assistance Fund, administered by the State
33 Treasurer. All fine moneys collected pursuant to the provisions of
34 section 4 of P.L.1983, c.128 (C.39:3-76.2d) shall be deposited in the
35 fund to be used exclusively by the Office of Highway Traffic Safety in
36 the Department of Law and Public Safety to purchase child passenger
37 restraint systems for distribution to persons and organizations that
38 establish and maintain child passenger restraint system lending
39 programs. Any interest earned on moneys in the fund shall be credited
40 to the fund. The Director of the Office of Highway Traffic Safety, in
41 accordance with the "Administrative Procedure Act," P.L.1968, c.410
42 (C.52:14B-1 et seq.), shall promulgate rules and regulations to
43 effectuate the purposes of this section.

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

1 The bill is modeled after a provision of the Pennsylvania seat belt
2 law.

3 The immunity provisions of the bill are limited to a period of 24
4 months following the effective date, and require the Director of the
5 Office of Highway Traffic Safety to report to the Legislature within 21
6 months following the bill's effective date on its impact on the
7 establishment or expansion of programs to lend child passenger
8 restraint systems and their overall availability through such programs.

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13 Provides liability protection to organizations which lend child
14 passenger restraint systems.