

SENATE, No. 1846

STATE OF NEW JERSEY

INTRODUCED MARCH 3, 1997

By Senator CODEY

1 AN ACT concerning transporting children in motor vehicles, and
2 amending P.L.1983, c.128 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 read
8 as follows:

9 1. Every person operating a motor vehicle equipped with safety
10 belts who is transporting a child under the age of 5 years on roadways,
11 streets or highways of this State, shall be responsible for the protection
12 of the child by properly using a child passenger restraint system that
13 complies with the federal motor vehicle safety standard applicable
14 when it was manufactured, or where the child is 18 months of age or
15 more but under 5 years of age by securing the child with a safety belt
16 in a rear seat. If there are no rear seats, a child restraint system [must]
17 shall be used. A child under the age of twelve years shall not be
18 transported in the front seat of a motor vehicle equipped with an
19 operational front passenger supplemental restraint system; provided,
20 however, this provision shall not be applicable when the child is being
21 transported in a motor vehicle with a weight sensitive supplemental
22 restraint system. In no event shall failure to wear a child passenger
23 restraint system be considered as contributory negligence, nor shall the
24 failure to wear the child passenger restraint system be admissible as
25 evidence in the trial of any civil action.

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

27

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

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

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 in this State shall wear a properly adjusted and fastened safety seat belt
2 system as defined by Federal Motor Vehicle Safety Standard Number
3 209.

4 b. The driver of a passenger automobile shall secure or cause to be
5 secured in a properly adjusted and fastened safety seat belt system, as
6 defined by Federal Motor Vehicle Safety Standard Number 209, any
7 passenger in the front seat who is at least five years of age but less
8 than 18 years of age, except as provided in Section 1 of P.L.1983,
9 c.128 (C.39:3-76.2a).

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

11

12 3. This act shall take effect immediately.

13

14

15

STATEMENT

16

17 While supplemental restraint systems (airbags) in motor vehicles
18 have proven to be a valuable safety device for adults, safety experts
19 currently are advising parents not to place infants and children in the
20 front seat of a vehicle with airbags because of incidents where infants
21 and children have been killed when the device deployed.

22 Under this bill, a person would be prohibited from transporting a
23 child under the age of 12 in the front seat of a motor vehicle equipped
24 with an operational front passenger airbag. An exception is made for
25 motor vehicles with a weight sensitive supplemental restraint system
26 which will adjust the force of the opening airbag to the weight of the
27 passenger. While these devices are not currently available, at least one
28 motor vehicle manufacturer plans to equip its vehicles with them in the
29 next few years.

30

31

32

33 Prohibits children under 12 from riding in front seat of vehicle with
34 passenger side airbag.