

ASSEMBLY, No. 1341

STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Assemblywoman CAROL J. MURPHY

District 26 (Essex, Morris and Passaic)

Assemblyman HERBERT CONAWAY, JR.

District 7 (Burlington and Camden)

Co-Sponsored by:

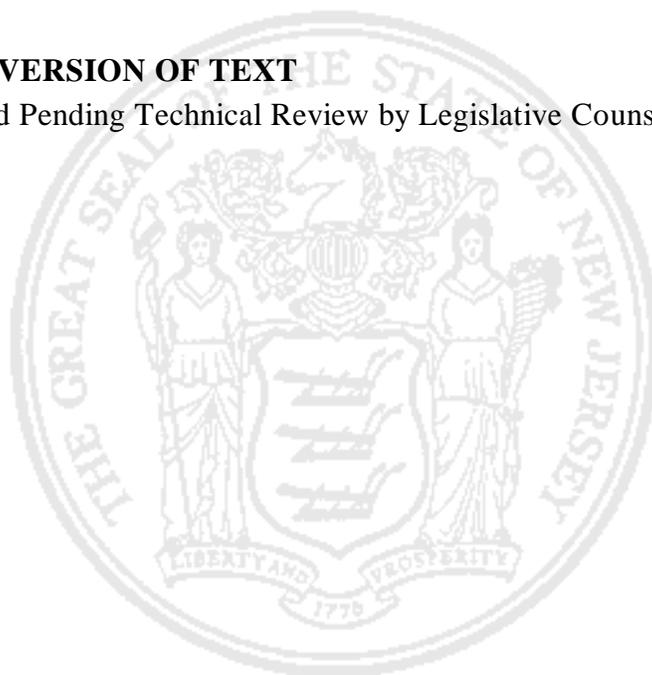
**Assemblyman Barnes, Assemblywoman Weinberg, Assemblyman Connors
and Assemblywoman Previte**

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 5/8/1998)

A1341 MURPHY, CONAWAY

2

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.

4

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

7

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)

27

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

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

38 d. A passenger automobile operated by a rural letter carrier of the
39 United States Postal Service while performing the duties of a rural
40 letter carrier; or

41 e. A passenger automobile which was originally constructed with
42 fewer safety seat belt systems than are necessary to allow 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 passenger to be buckled.
2 (cf: P.L.1984, c.179, s.3)

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

6 6. A person who violates section 2 of this act shall be fined \$20.00.
7 In no case shall motor vehicle points or automobile insurance eligibility
8 points pursuant to section 26 of P.L.1990, c.8 (C.17:33B-14) be
9 assessed against any person for a violation of this act. A person who
10 is fined under this section for a violation of this act shall not be subject
11 to a surcharge under the New Jersey Merit Rating Plan as provided in
12 section 6 of P.L.1983, c.65 (C.17:29A-35).
13 (cf: P.L.1984, c.179, s.6)

14
15 4. Section 5 of P.L.1984, c.179 (C.39:3-76.2i) is repealed.

16
17 5. (New section) The Director of the Office of Highway Traffic
18 Safety shall study the effectiveness of this amendatory act and shall
19 submit to the Legislature a report containing his findings on the first
20 day of the 25th month following the effective date of this amendatory
21 act.

22
23 6. This act shall take effect on the first day of the fourth month
24 following enactment.

25
26
27
28

STATEMENT

29 This bill modifies the "Passenger Seat Belt Usage Act," P.L.1984,
30 c.179 (C.39:3-76.2e et seq.), to require the driver and all passengers,
31 whether seated in the front or rear seats, in an automobile to wear a
32 seat belt. Current law requires only the driver, front seat passengers,
33 and children under age five to be belted.

34 In addition, the bill would make enforcement of the seat belt law a
35 "primary" action meaning a law enforcement officer would be able to
36 stop and ticket a motorist if he observes that the motorist is not
37 wearing a seat belt. Current law provides that enforcement of the seat
38 belt law is a secondary action.

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

42 The bill changes the definition of "passenger automobile" to include
43 vans, pick-up trucks and utility vehicles so that the driver and
44 passengers of these vehicles would have to wear seat belts.

45 The bill also provides that no insurance eligibility or merit rating
46 surcharge points are to be assessed for a violation of the seat belt law.

A1341 MURPHY, CONAWAY

4

- 1 The bill directs the Director of Office Highway Traffic Safety to
- 2 study the effectiveness of the act and to submit a report containing
- 3 those findings to the Legislature.