

SPONSORS STATEMENT (S1181) (begins on page 3 of original bill):	Yes
COMMITTEE STATEMENT:	
ASSEMBLY:	No
SENATE:	Yes
FLOOR AMENDMENT STATEMENTS:	No
LEGISLATIVE FISCAL ESTIMATE:	No
FINAL VERSION (Senate Committee Substitute):	Yes
VETO MESSAGE:	No
GOVERNOR'S PRESS RELEASE ON SIGNING:	Yes

FOLLOWING WERE PRINTED:

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REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	Yes

"New law tightens regulations," 9-7-2001 The Record, pA1

"NJ makes children's car-seat law stricter," 9-7-2001 The Inquirer, pA1

"Safety seat required for child under 8," 9-7-2001 Asbury Park Press, p.A3

"New Jersey to require boosters for car passengers under age 8," 9-8-2001 New York Times, p;B8

ASSEMBLY, No. 539

STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblyman KENNETH C. LEFEVRE

District 2 (Atlantic)

Assemblyman FRANCIS J. BLEE

District 2 (Atlantic)

Co-Sponsored by:

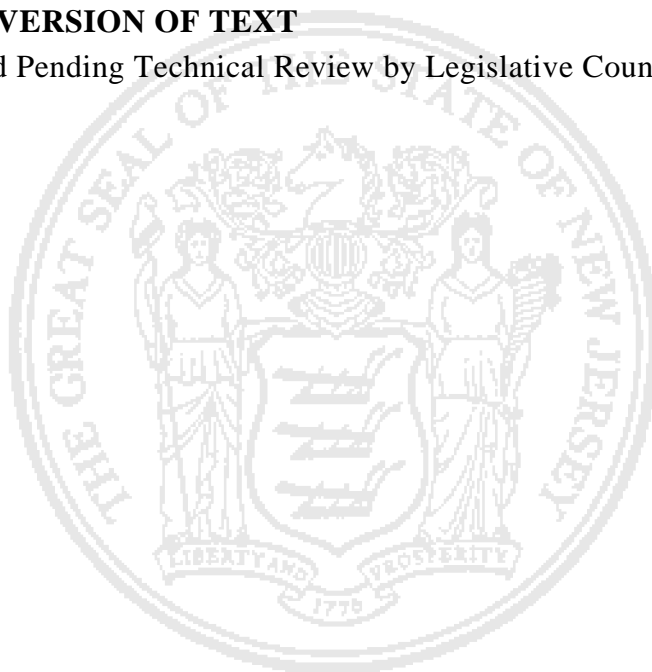
Assemblyman Greenwald, Assemblywoman Previte, Assemblymen Gregg, Asselta, Conaway, Connors and Assemblywoman Murphy

SYNOPSIS

Requires certain children to wear seat belts in rear motor vehicle seats.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the use of seat belts and amending P.L.1984,
2 c.179.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 2 of P.L.1984, c.179 (C.39:3-76.2f) is amended to read
8 as follows:

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

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

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

23
24 2. This act shall take effect on the first day of the third month after
25 enactment.

26

27

28

STATEMENT

29

30 This bill would require children who are at least five years old, but
31 less than 18 years old, to wear a seat belt when seated anywhere in a
32 passenger automobile. Under current law, these children are required
33 to wear a seat belt only when seated in the front seat of such a vehicle.
34 Children under 18 months old must be secured in a child passenger
35 restraint system. Children 18 months or older, but less than five years
36 may be secured in a child passenger restraint system or in the rear seat
37 with a seat belt. Drivers and front seat passengers also are required to
38 wear seat belts.

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.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 539

STATE OF NEW JERSEY

DATED: FEBRUARY 28, 2000

The Assembly Transportation Committee reports favorably Assembly Bill No. 539.

This bill would require children who are at least five years old, but less than 18 years old, to wear a seat belt when seated anywhere in a passenger automobile.

Under current law, these children are required to wear a seat belt only when seated in the front seat of such a vehicle. Children under 18 months old must currently be secured in a child passenger restraint system. Children 18 months or older, but less than five years may be secured in a child passenger restraint system or in the rear seat with a seat belt. Drivers and front seat passengers also are currently required to wear seat belts.

Technical review was performed on this pre-filed bill, and the changes required by technical review have been made, as required under Joint Rule 18A of the Senate and General Assembly.

ASSEMBLY, No. 539

STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblyman KENNETH C. LEFEVRE

District 2 (Atlantic)

Assemblyman FRANCIS J. BLEE

District 2 (Atlantic)

Co-Sponsored by:

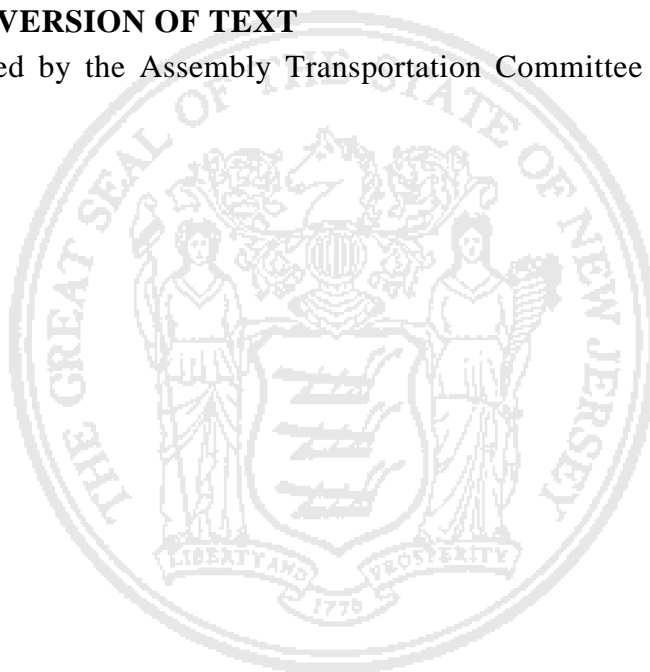
Assemblyman Greenwald, Assemblywoman Previte, Assemblymen Gregg, Asselta, Conaway, Conners, Assemblywomen Murphy and Greenstein

SYNOPSIS

Requires certain children to wear seat belts in rear motor vehicle seats.

CURRENT VERSION OF TEXT

As reported by the Assembly Transportation Committee with technical review.



(Sponsorship Updated As Of: 6/27/2000)

1 AN ACT concerning the use of seat belts and amending P.L.1984,
2 c.179.

3

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

6

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

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

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

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

25 (cf: P.L.1999, c.422, s.1)

26

27 2. This act shall take effect on the first day of the third month after
28 enactment.

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.

[First Reprint]

ASSEMBLY, No. 539

STATE OF NEW JERSEY
209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblyman KENNETH C. LEFEVRE

District 2 (Atlantic)

Assemblyman FRANCIS J. BLEE

District 2 (Atlantic)

Co-Sponsored by:

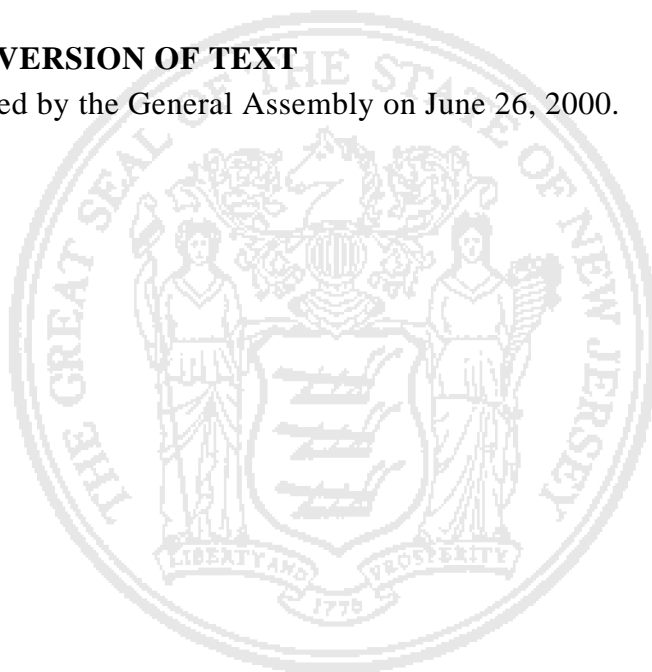
Assemblyman Greenwald, Assemblywoman Previte, Assemblymen Gregg, Asselta, Conaway, Conners, Assemblywomen Murphy and Greenstein

SYNOPSIS

Concerns use of child passenger restraint systems, booster seats and seat belts.

CURRENT VERSION OF TEXT

As amended by the General Assembly on June 26, 2000.



(Sponsorship Updated As Of: 6/27/2000)

1 AN ACT concerning the use of ¹child passenger restraint systems,
2 booster seats, and¹ seat belts ¹[and],¹ amending ¹P.L.1983, c.128
3 and¹ P.L.1984, c.179¹ and repealing section 2 of P.L.1983, c.128¹.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 ¹1. 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, other than a school bus,
11 equipped with safety belts who is transporting a child under the age of
12 [5] eight years and weighing less than 80 pounds on roadways, streets
13 or highways of this State, shall [be responsible for the protection of
14 the child by properly using] secure the child in a child passenger
15 restraint system [that complies with the federal motor vehicle safety
16 standard applicable when it was manufactured, or where the child is
17 18 months of age or more but under 5 years of age by securing the
18 child with a safety belt] or booster seat, as described in Federal
19 Motor Vehicle Safety Standard Number 213, in a rear seat. child shall
20 be secured in a child passenger restraint system or booster seat, as
21 described in Federal Motor Vehicle Safety Standard Number 213 . In
22 no event shall failure to wear a child passenger restraint system or to
23 use a booster seat be considered as contributory negligence, nor shall
24 the failure to wear the child passenger restraint system be admissible
25 as evidence in the trial of any civil action.

26 (cf: P.L.1983, c. 128, s. 1)¹

27

28 ¹[1] 2¹. Section 2 of P.L.1984, c.179 (C.39:3-76.2f) is amended
29 to read 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 ¹[five] eight¹ years of age ¹and weighing less than
32 80 pounds¹ [and except as provided in subsection b. of this section
33 for] , all¹ passengers under eight years of age and weighing more than
34 80 pounds, and all¹ passengers who are at least ¹[five] eight¹ years of
35 age but less than 18 years of age, and each driver and front seat
36 passenger of a passenger automobile operated on a street or highway
37 in this State shall wear a properly adjusted and fastened safety seat belt
38 system as defined by Federal Motor Vehicle Safety Standard Number
39 209.

40 b. The driver of a passenger automobile shall secure or cause to be
41 secured in a properly adjusted and fastened safety seat belt system, as

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted June 26, 2000.

1 defined by Federal Motor Vehicle Safety Standard Number 209, any
2 passenger [in the front seat] who is at least ¹[five] eight¹ years of age
3 but less than 18 years of age.

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

7 (cf: P.L.1999, c.422, s.1)

8

9 ¹3. Section 2 of P.L.1983, c.128 (C.39:3-76.2b) is repealed.¹

10

11 ¹[2.] 3.¹ This act shall take effect on the first day of the third
12 month after enactment.

STATEMENT TO
ASSEMBLY, No. 539

with Assembly Floor Amendments
(Proposed By Assemblyman WISNIEWSKI)

ADOPTED: JUNE 26, 2000

These amendments would require children who are under the age of eight and who weigh less than 80 pounds to be secured in a child passenger restraint system or booster seat in the rear seat, unless there is no rear seat, in which case the child must be secured in a child passenger restraint system or booster seat in the front seat of the vehicle. Children who are at least eight years old, but less than 18 years old must wear a seat belt when seated anywhere in a passenger automobile as must children under the age of eight weighing more than 80 pounds.

These amendments repeal section 2 of P.L.1983, c.128 (C.39:3-76.2b) which permits unrestrained children to ride in the rear seat of a motor vehicle.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 539

STATE OF NEW JERSEY

DATED: JANUARY 22, 2001

The Senate Law and Public Safety Committee reports favorably Assembly Bill No. 539 (1R).

This bill requires children who are under the age of eight and who weigh less than 80 pounds to be secured in a child passenger restraint system or booster seat in the rear seat, unless there is no rear seat, in which case the child must be secured in a child passenger restraint system or booster seat in the front seat of the vehicle. Children who are at least eight years old, but less than 18 years old must wear a seat belt when seated anywhere in a passenger automobile as must children under the age of eight weighing more than 80 pounds.

Under current law, children under the age of five years are required to be secured in the vehicle in a child passenger restraint system, without regard to the child's weight. If the child is between 18 months and five years old he is required to be secured in the rear seat of the vehicle.

The bill also repeals section 2 of P.L.1983, c.128 (C.39:3-76.2b) which permits unrestrained children to ride in the rear seat of a motor vehicle.

[Corrected Copy]

[First Reprint]

ASSEMBLY, No. 539

STATE OF NEW JERSEY
209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblyman KENNETH C. LEFEVRE

District 2 (Atlantic)

Assemblyman FRANCIS J. BLEE

District 2 (Atlantic)

Co-Sponsored by:

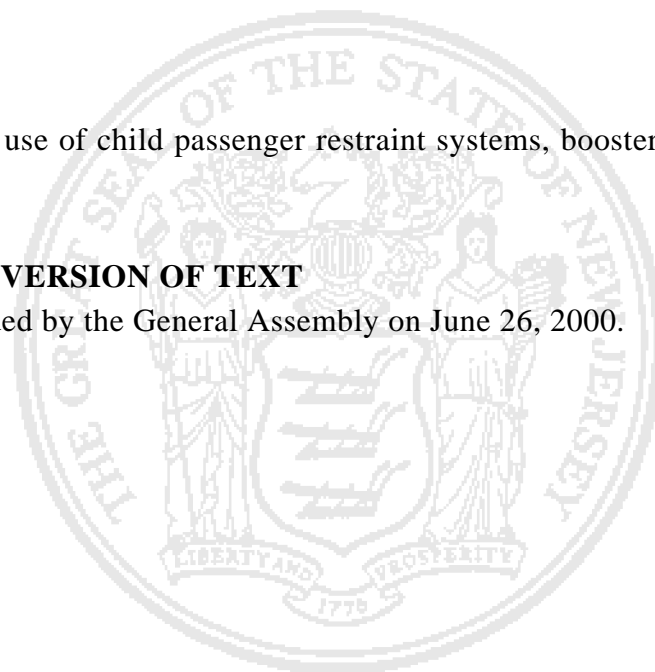
Assemblyman Greenwald, Assemblywoman Previte, Assemblymen Gregg, Asselta, Conaway, Conners, Assemblywomen Murphy, Greenstein, Senators Matheussen, Vitale, Allen, Furnari, Cafiero, Sinagra, Zane, Singer, Turner, Inverso and Baer

SYNOPSIS

Concerns use of child passenger restraint systems, booster seats and seat belts.

CURRENT VERSION OF TEXT

As amended by the General Assembly on June 26, 2000.



(Sponsorship Updated As Of: 6/8/2001)

1 AN ACT concerning the use of ¹child passenger restraint systems,
2 booster seats, and¹ seat belts ¹**[and]**,¹ amending ¹P.L.1983, c.128
3 and ¹P.L.1984, c.179¹and repealing section 2 of P.L.1983, c.128¹.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 ¹1. 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, other than a school bus,
11 equipped with safety belts who is transporting a child under the age of
12 **[5] eight** years and weighing less than 80 pounds on roadways, streets
13 or highways of this State, shall **[be responsible for the protection of**
14 **the child by properly using]** secure the child in a child passenger
15 restraint system **[that complies with the federal motor vehicle safety**
16 **standard applicable when it was manufactured, or where the child is**
17 **18 months of age or more but under 5 years of age by securing the**
18 **child with a safety belt]** or booster seat, as described in Federal
19 Motor Vehicle Safety Standard Number 213, in a rear seat. If there
20 are no rear seats, **[a child restraint system must be used]** the child
21 shall be secured in a child passenger restraint system or booster seat,
22 as described in Federal Motor Vehicle Safety Standard Number 213 .
23 In no event shall failure to wear a child passenger restraint system or
24 to use a booster seat be considered as contributory negligence, nor
25 shall the failure to wear the child passenger restraint system be
26 admissible as evidence in the trial of any civil action.

27 (cf: P.L.1983, c.128, s.1)¹

28

29 ¹**[1.] 2.**¹ Section 2 of P.L.1984, c.179 (C.39:3-76.2f) is amended
30 to read as follows:

31 2. a. Except as provided in P.L.1983, c.128 (C.39:3-76.2a et al.)
32 for children under ¹**[five] eight**¹ years of age ¹and weighing less than
33 80 pounds¹ **[and except as provided in subsection b. of this section**
34 **for]** , all¹ passengers under eight years of age and weighing more than
35 80 pounds, and all¹ passengers who are at least ¹**[five] eight**¹ years of
36 age but less than 18 years of age, and each driver and front seat
37 passenger of a passenger automobile operated on a street or highway
38 in this State shall wear a properly adjusted and fastened safety seat belt
39 system as defined by Federal Motor Vehicle Safety Standard Number
40 209.

41 b. The driver of a passenger automobile shall secure or cause to be

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted June 26, 2000.

1 secured in a properly adjusted and fastened safety seat belt system, as
2 defined by Federal Motor Vehicle Safety Standard Number 209, any
3 passenger [in the front seat] who is at least ¹[five] eight¹ years of age
4 but less than 18 years of age.

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

8 (cf: P.L.1999, c.422, s.1)

9

10 ¹3. Section 2 of P.L.1983, c.128 (C.39:3-76.2b) is repealed.¹

11

12 ¹[2.] 4.¹ This act shall take effect on the first day of the third
13 month after enactment.

SENATE, No. 2195

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED MARCH 8, 2001

Sponsored by:

Senator JOHN J. MATHEUSSEN

District 4 (Camden and Gloucester)

Senator DIANE ALLEN

District 7 (Burlington and Camden)

Co-Sponsored by:

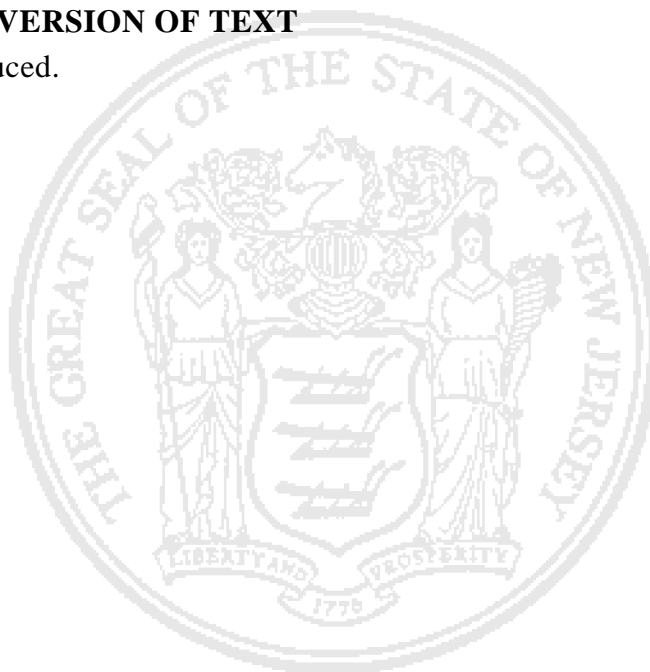
Senators Cafiero, Sinagra and Zane

SYNOPSIS

Concerns use of child passenger restraint systems, booster seats and seat belts.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 4/24/2001)

1 AN ACT concerning the use of child passenger restraint systems,
2 booster seats, and seat belts, amending P.L.1983, c.128 and
3 P.L.1984, c.179 and repealing section 2 of P.L.1983, c.128.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
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, other than a school bus,
11 equipped with safety belts who is transporting a child under the age of
12 **[5] eight years and weighing less than 80 pounds** on roadways, streets
13 or highways of this State, shall **[be responsible for the protection of**
14 **the child by properly using] secure the child in** a child passenger
15 restraint system **[that complies with the federal motor vehicle safety**
16 **standard applicable when it was manufactured, or where the child is**
17 **18 months of age or more but under 5 years of age by securing the**
18 **child with a safety belt] or booster seat, as described in Federal Motor**
19 **Vehicle Safety Standard Number 213,** in a rear seat. If there are no
20 rear seats, **[a child restraint system must be used] the child shall be**
21 **secured in a child passenger restraint system or booster seat, as**
22 **described in Federal Motor Vehicle Safety Standard Number 213.** In
23 no event shall failure to wear a child passenger restraint system or to
24 use a booster seat be considered as contributory negligence, nor shall
25 the failure to wear the child passenger restraint system be admissible
26 as evidence in the trial of any civil action.

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

28

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

31 2. a. Except as provided in P.L.1983, c.128 (C.39:3-76.2a et al.)
32 for children under **[five] eight years of age and weighing less than 80**
33 **pounds [and except as provided in subsection b. of this section for],**
34 **all passengers under eight years of age and weighing more than**
35 **80 pounds, and all passengers who are at least [five] eight years of**
36 **age but less than 18 years of age, and** each driver and front seat
37 passenger of a passenger automobile operated on a street or highway
38 in this State shall wear a properly adjusted and fastened safety seat belt
39 system as defined by Federal Motor Vehicle Safety Standard Number
40 209.

41 b. The driver of a passenger automobile shall secure or cause to be
42 secured in a properly adjusted and fastened safety seat belt system, as

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 defined by Federal Motor Vehicle Safety Standard Number 209, any
2 passenger [in the front seat] who is at least [five] eight years of age
3 but less than 18 years of age.

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

7 (cf: P.L.1999, c.422, s.1)

8

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

10

11 4. This act shall take effect on the first day of the third month after
12 enactment.

13

14

15

STATEMENT

16

17 This bill requires children who are under the age of eight and who
18 weigh less than 80 pounds to be secured in a child passenger restraint
19 system or booster seat in the rear seat, unless there is no rear seat, in
20 which case the child must be secured in a child passenger restraint
21 system or booster seat in the front seat of the vehicle. Children who
22 are at least eight years old, but less than 18 years old, must wear a seat
23 belt when seated anywhere in a passenger automobile as must children
24 under the age of eight weighing more than 80 pounds.

25 Under current law, children under the age of five years are required
26 to be secured in the vehicle in a child passenger restraint system,
27 without regard to the child's weight. If the child is between 18 months
28 and five years old he is required to be secured in the rear seat of the
29 vehicle.

30 The bill also repeals section 2 of P.L.1983, c.128
31 (C.39:3-76.2b) which permits unrestrained children to ride in the rear
32 seat of a motor vehicle.

SENATE, No. 1181

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED MARCH 27, 2000

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator GARRY J. FURNARI

District 36 (Bergen, Essex and Passaic)

Co-Sponsored by:

Senators Singer and Turner

SYNOPSIS

Concerns use of child passenger restraint systems, booster seats and seat belts.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/16/2001)

S1181 VITALE, FURNARI

2

1 AN ACT concerning the use of child passenger restraint systems,
2 booster seats, and seat belts, amending P.L.1983, c.128 and
3 P.L.1984, c.179 and repealing section 2 of P.L.1983, c.128.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
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, other than a school bus,
11 equipped with safety belts who is transporting a child under the age of
12 **[5] eight years and weighing less than 80 pounds** on roadways, streets
13 or highways of this State, shall **[be responsible for the protection of**
14 **the child by properly using] secure the child in** a child passenger
15 restraint system **[that complies with the federal motor vehicle safety**
16 **standard applicable when it was manufactured, or where the child is**
17 **18 months of age or more but under 5 years of age by securing the**
18 **child with a safety belt in a rear seat. If there are no rear seats, a child**
19 **restraint system must be used] or booster seat, as described in Federal**
20 **Motor Vehicle Safety Standard Number 213, in a rear seat.** In no
21 event shall failure to wear a child passenger restraint system or to use
22 a booster seat be considered as contributory negligence, nor shall the
23 failure to wear the child passenger restraint system be admissible as
24 evidence in the trial of any civil action.

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

26

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

29 2. a. Except as provided in P.L.1983, c.128 (C.39:3-76.2a et al.)
30 for children under **[five] eight years of age and weighing less than 80**
31 **pounds [and except as provided in subsection b. of this section for]**
32 **, all passengers who are at least [five] eight years of age but less than**
33 **18 years of age, and all passengers under eight years of age and**
34 **weighing more than 80 pounds, and** each driver and front seat
35 passenger of a passenger automobile operated on a street or highway
36 in this State shall wear a properly adjusted and fastened safety seat belt
37 system as defined by Federal Motor Vehicle Safety Standard Number
38 209.

39 b. The driver of a passenger automobile shall secure or cause to
40 be secured in a properly adjusted and fastened safety seat belt system,
41 as defined by Federal Motor Vehicle Safety Standard Number 209, any
42 passenger **[in the front seat]** who is at least **[five] eight years of age**

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 but less than 18 years of age.

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

5 (cf: P.L.1999, c.422, s.1)

6

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

8

9 4. This act shall take effect immediately.

10

11

12 STATEMENT

13

14 This bill would require children who are under the age of eight and
15 who weigh less than 80 pounds to be secured in a child passenger
16 restraint system or booster seat in the rear seat. Children who are at
17 least eight years old, but less than 18 years old must wear a seat belt
18 when seated anywhere in a passenger automobile as do children under
19 the age of eight weighing more than 80 pounds. This bill would make
20 New Jersey law conform with the safety standards recommended by
21 the National Transportation Safety Board.

22 Under current law, children under 18 months old must currently be
23 secured in a child passenger restraint system. Children 18 months or
24 older, but less than five years may be secured in a child passenger
25 restraint system or in the rear seat with a seat belt. Children who are
26 at least five years old, but less than 18 years old are required to wear
27 a seat belt only when seated in the front seat of a passenger vehicle.
28 Drivers and front seat passengers also are currently required to wear
29 seat belts.

30 This bill repeals section 2 of P.L.1983, c.128 (C.39:3-76.2b) which
31 permitted unstrained children to ride in the rear seat of a motor
32 vehicle.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE Nos. 2195 and 1181

STATE OF NEW JERSEY
209th LEGISLATURE

ADOPTED MAY 31, 2001

Sponsored by:

Senator JOHN J. MATHEUSSEN

District 4 (Camden and Gloucester)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator DIANE ALLEN

District 7 (Burlington and Camden)

Senator GARRY J. FURNARI

District 36 (Bergen, Essex and Passaic)

Co-Sponsored by:

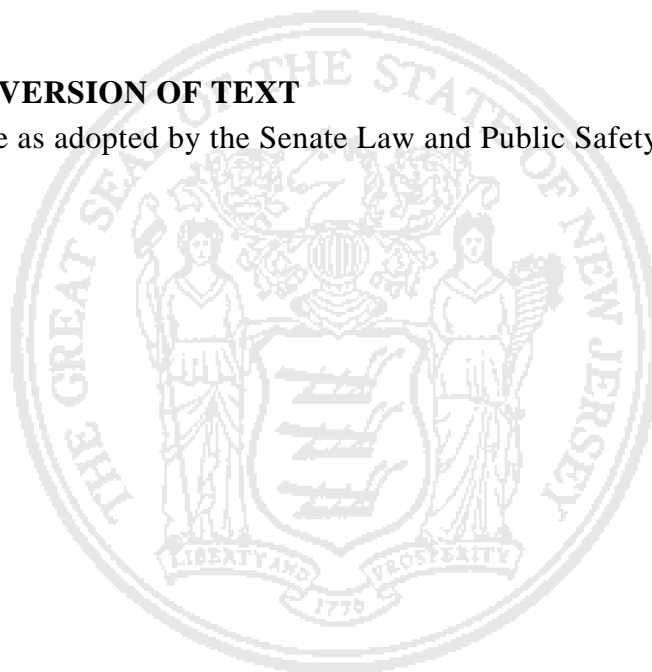
Senators Cafiero, Sinagra, Zane, Singer, Turner, Inverso and Baer

SYNOPSIS

Concerns use of child passenger restraint systems, booster seats and seat belts.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Law and Public Safety Committee.



(Sponsorship Updated As Of: 6/8/2001)

1 **AN ACT** concerning the use of child passenger restraint systems,
2 booster seats, and seat belts, amending P.L.1983, c.128 and
3 P.L.1984, c.179 and repealing section 2 of P.L.1983, c.128.

4

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

7

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, other than a school
11 bus, equipped with safety belts who is transporting a child under the
12 age of **[5] eight years and weighing less than 80 pounds** on roadways,
13 streets or highways of this State, shall **[be responsible for the**
14 **protection of the child by properly using]** secure the child in a child
15 passenger restraint system [that complies with the federal motor
16 vehicle safety standard applicable when it was manufactured, or where
17 the child is 18 months of age or more but under 5 years of age by
18 securing the child with a safety belt] or booster seat, as described in
19 Federal Motor Vehicle Safety Standard Number 213, in a rear seat.
20 If there are no rear seats, **[a child restraint system must be used]** the
21 child shall be secured in a child passenger restraint system or booster
22 seat, as described in Federal Motor Vehicle Safety Standard Number
23 213. In no event shall failure to wear a child passenger restraint
24 system or to use a booster seat be considered as contributory
25 negligence, nor shall the failure to wear the child passenger restraint
26 system be admissible as evidence in the trial of any civil action.

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

28

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

31 2. a. Except as provided in P.L.1983, c.128 (C.39:3-76.2a et al.)
32 for children under **[five] eight years of age and weighing less than 80**
33 **pounds** **[and except as provided in subsection b. of this section for]**,
34 all passengers under eight years of age and weighing more than
35 80 pounds, and all passengers who are at least [five] eight years of
36 age but less than 18 years of age, and each driver and front seat
37 passenger of a passenger automobile operated on a street or highway
38 in this State shall wear a properly adjusted and fastened safety seat belt
39 system as defined by Federal Motor Vehicle Safety Standard Number
40 209.

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

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

9 (cf: P.L.1999, c.422, s.1)

10

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

12

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

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 2195 and 1181

STATE OF NEW JERSEY

DATED: MAY 31, 2001

The Senate Law and Public Safety Committee reports favorably a Senate Committee Substitute for Senate Bill Nos. 2195 and 1181.

This bill requires children who are under the age of eight and who weigh less than 80 pounds to be secured in a child passenger restraint system or booster seat in the rear seat, unless there is no rear seat, in which case the child must be secured in a child passenger restraint system or booster seat in the front seat of the vehicle. Children who are at least eight years old, but less than 18 years old, must wear a seat belt when seated anywhere in a passenger automobile, as must children under the age of eight weighing more than 80 pounds.

Under current law, children under the age of five years are required to be secured in the vehicle in a child passenger restraint system, without regard to the child's weight. If the child is between 18 months and five years old he is required to be secured in the rear seat of the vehicle.

The bill also repeals section 2 of P.L.1983, c.128 (C.39:3-76.2b) which permits unrestrained children to ride in the rear seat of a motor vehicle.

This committee substitute is identical to Assembly Bill No. 539 (1R) CC, which was previously reported by the committee.

P.L. 2001, CHAPTER 244, *approved September 6, 2001*
Assembly, No. 539 (*First Reprint*)
(CORRECTED COPY)

1 AN ACT concerning the use of ¹child passenger restraint systems,
2 booster seats, and¹ seat belts ¹[and],¹ amending ¹P.L.1983, c.128
3 and¹ P.L.1984, c.179¹and repealing section 2 of P.L.1983, c.128¹.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 ¹1. 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, other than a school bus,
11 equipped with safety belts who is transporting a child under the age of
12 [5] eight years and weighing less than 80 pounds on roadways, streets
13 or highways of this State, shall **[be responsible for the protection of**
14 **the child by properly using]** secure the child in a child passenger
15 restraint system **[that complies with the federal motor vehicle safety**
16 **standard applicable when it was manufactured, or where the child is**
17 **18 months of age or more but under 5 years of age by securing the**
18 **child with a safety belt]** or booster seat, as described in Federal
19 Motor Vehicle Safety Standard Number 213, in a rear seat. If there
20 are no rear seats, **[a child restraint system must be used]** the child
21 shall be secured in a child passenger restraint system or booster seat,
22 as described in Federal Motor Vehicle Safety Standard Number 213 .
23 In no event shall failure to wear a child passenger restraint system or
24 to use a booster seat be considered as contributory negligence, nor
25 shall the failure to wear the child passenger restraint system be
26 admissible as evidence in the trial of any civil action.

27 (cf: P.L.1983, c.128, s.1)¹

28
29 ¹**[1.]** 2.¹ Section 2 of P.L.1984, c.179 (C.39:3-76.2f) is amended
30 to read as follows:

31 2. a. Except as provided in P.L.1983, c.128 (C.39:3-76.2a et al.)
32 for children under ¹**[five]** eight¹ years of age ¹and weighing less than
33 80 pounds¹ **[and except as provided in subsection b. of this section**
34 **for]** , all¹ passengers under eight years of age and weighing more than
35 80 pounds, and all¹ passengers who are at least¹ **[five]** eight¹ years of
36 age but less than 18 years of age, and each driver and front seat
37 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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted June 26, 2000.

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 ¹[five] eight¹ years of age
8 but less than 18 years of age.

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

12 (cf: P.L.1999, c.422, s.1)

13

14 ¹3. Section 2 of P.L.1983, c.128 (C.39:3-76.2b) is repealed.¹

15

16 ¹[2.] 4.¹ This act shall take effect on the first day of the third
17 month after enactment.

18

19

20

21

22 Concerns use of child passenger restraint systems, booster seats and
23 seat belts.

CHAPTER 244

AN ACT concerning the use of child passenger restraint systems, booster seats, and seat belts, amending P.L.1983, c.128 and P.L.1984, c.179 and repealing section 2 of P.L.1983, c.128.

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

1. Section 1 of P.L.1983, c.128 (C.39:3-76.2a) is amended to read as follows:

C.39:3-76.2a Child passenger restraint system; booster seat, use; failure to use not contributory negligence; inadmissibility in evidence.

1. Every person operating a motor vehicle, other than a school bus, equipped with safety belts who is transporting a child under the age of eight years and weighing less than 80 pounds on roadways, streets or highways of this State, shall secure the child in a child passenger restraint system or booster seat, as described in Federal Motor Vehicle Safety Standard Number 213, in a rear seat. If there are no rear seats, the child shall be secured in a child passenger restraint system or booster seat, as described in Federal Motor Vehicle Safety Standard Number 213. In no event shall failure to wear a child passenger restraint system or to use a booster seat be considered as contributory negligence, nor shall the failure to wear the child passenger restraint system be admissible as evidence in the trial of any civil action.

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

C.39:3-76.2f Seat belt usage requirements for persons ages 8-18; driver's responsibility.

2. a. Except as provided in P.L.1983, c.128 (C.39:3-76.2a et al.) for children under eight years of age and weighing less than 80 pounds, all passengers under eight years of age and weighing more than 80 pounds, and all passengers who are at least eight years of age but less than 18 years of age, and each driver and front seat passenger of a passenger automobile operated on a street or highway in this State shall wear a properly adjusted and fastened safety seat belt system as defined by Federal Motor Vehicle Safety Standard Number 209.

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

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

Repealer.

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

4. This act shall take effect on the first day of the third month after enactment.

Approved September 6, 2001.

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Office of the Governor
NEWS RELEASE

CONTACT: Rae Hutton
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RELEASE: September 6, 2001

DiFRANCESCO SIGNS LEGISLATION MAKING NEW JERSEY'S CHILD PASSENGER PROTECTION LAWS STRONGEST IN THE NATION

Acting Governor Donald T. DiFrancesco signed legislation today requiring children under the age of eight or weighing less than 80 pounds to be secured in a child passenger restraint system or booster seat while riding in a car. New Jersey is the first state in the country to require children up to the age of eight to ride in a booster seat.

"This legislation will make New Jersey's child passenger restraint laws the strongest in the nation. Modeled after federal guidelines and recommendations concerning the use of child restraint systems, A-539/S-1181 will improve highway safety for our children. It provides no exemptions and no exceptions. When it comes to our children's safety, there are no excuses," said the acting Governor.

Starting in December, children who are under the age of eight and weigh less than 80 pounds will be required to be secured in a child passenger restraint system or booster seat in the rear seat of a motor vehicle. Booster seats are designed to improve safety by raising a child up so that adult lap and shoulder belts fit better.

The new law also requires children over the age of eight or weighing more than 80 pounds and under the age of 18 to wear a seatbelt at all times while riding in a vehicle.

After the acting Governor signed A-539 he presented the Lopez family from Mercer County with a free booster seat provided by the Boost America Program. This program is distributing 5,000 booster seats to low-income families throughout New Jersey. Under the provisions of the program, participating Ford dealers, program partners and other organizations are distributing vouchers which can be redeemed for one booster seat. To be eligible for a free booster seat, family income cannot exceed twice the poverty level.

"So far, more than 5,500 Boost America coupons have been redeemed in New Jersey alone. Coupled with the legislation I signed today this campaign will help stress the importance of booster seats for our children's safety," said DiFrancesco.

A-539 is sponsored by Senators John Matheussen (R-Camden/Gloucester) and Joseph Vitale (D-Middlesex) and Assemblymen Ken LeFevre (R-Atlantic) and Frank Blee (R-Atlantic).