

45:21-1

LEGISLATIVE HISTORY CHECKLIST

NJSA: 45:21-1, 45:21-14, 45:21-15

(Rental cars--
child passenger restraint
seats--availability)

LAWS OF: 1985

CHAPTER: 202

Bill No: A1621

Sponsor(s): Garvin

Date Introduced: March 20, 1984

Committee: Assembly: Commerce and Industry

Senate: Law, Public Safety and Defense

Amended during passage: Yes Amendments denoted by asterisks
according to Governor's recommendations

Date of Passage: Assembly: May 17, 1984 Re-enacted 4-29-85

Senate: February 28, 1985 Re-enacted 6-17-85

Date of Approval: June 26, 1985

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: Yes

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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ASSEMBLY, No. 1621**STATE OF NEW JERSEY**

INTRODUCED MARCH 20, 1984

By Assemblywoman GARVIN and Assemblyman KARCHER

AN ACT concerning the renting of motor vehicles with optional child passenger restraint systems and amending and supplementing chapter 21 of Title 45 of the Revised Statutes.

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

1 1. R. S. 45:21-1 is amended to read as follows:

2 45:21-1. As used in this chapter:

3 "Person" means any individual, partnership, association, corpora-
4 tion or joint stock company, their trustees or receivers appointed by
5 any court.

6 "Highway" means any street, avenue, park, parkway, road or
7 other public place.

8 "Owner" means any and every person engaged in the business of
9 renting or leasing motor vehicles, without a driver, to be operated
10 by the lessee or bailee, his agent or servant, for purposes other than
11 the transportation of passengers for hire.

12 "*Child restraint*" means a child passenger restraint system that
13 conforms to the federal motor vehicle safety standard applicable
14 ****[as of the effective date of this act]**** ***when it was manu-*
15 *factured**.*

1 2. (New section) Every owner who rents a motor vehicle to any
2 person shall inform the person of the requirements of P. L. 1983,
3 c. 128 (C. 39:3-76.2a et seq.) with respect to the use of a child
4 restraint and shall provide, at the request of the renter, an appro-
5 priate child restraint. The owner shall also supply the person with
6 simple instructions for its use. **The owner may charge a reason-*
7 *able fee and deposit for the use of the child restraint.**

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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted May 7, 1984.

**—Assembly amendments adopted in accordance with Governor's recommendations April 15, 1985.

1 ***[3.]** (New section) The owner may require up to 48 hours notice
2 from the renter of his intention to use a child restraint. He may
3 charge a reasonable fee and deposit for its use, but shall not be
4 liable for any penalty under this act if the notice is not given, nor
5 shall he be liable for any injury sustained by a child attributable to
6 the negligent use of the child restraint by the person.]*

1 ***[4.]** *3.* (New section) An owner who violates this amenda-
2 tory and supplementary act shall be fined not less than \$50.00 nor
3 more than \$250.00 for each offense**, *if the owner received at least*
4 *24 hours advance notice from the customer or his agent that a child*
5 *restraint system was required**.*

1 ***[5.]** *4.* This act shall ***[become effective]*** *take effect* on
2 the first day of the third month after its enactment.

5 shall be liable for any injury sustained by a child attributable to
6 the negligent use of the child restraint by the person.

1 4. (New section) An owner who violates this amendatory and
2 supplementary act shall be fined not less than \$50.00 nor more than
3 \$250.00 for each offense.

1 5. This act shall become effective on the first day of the third
2 month after its enactment.

STATEMENT

The bill amends the State's motor vehicle rental statute by requiring that those persons engaged in the business of renting motor vehicles be responsible for making available the use or rental of approved child passenger restraint systems to renters.

P. L. 1983, c. 128 (C. 39:3-76.2a et seq.) provides that any person operating a motor vehicle must restrain those under 18 months old in a safety seat. Children over 18 months and under five years of age must be secured by a safety belt in a rear seat. (Under that law, those who rent motor vehicles are no exception and may be fined up to \$25.00 for non-compliance.) Families arriving here at airports from other states who proceed to rent cars are particularly vulnerable to the new law as they are not inclined to carry a bulky safety seat with them.

Car seats that are provided would be required to conform to the federal standard in effect when this bill becomes effective. Currently, the standard requires that they pass a simulated car crash test. The bill also requires those engaged in renting vehicles to inform renters about the provisions of the State's child restraint law, to provide renters with information on the proper use of each child restraint, and removes the owner from liability for injury to a child attributable to the seat if the renter is found to be negligent in its use.

After the critical early weeks of life for the newborn baby, automobile accidents are the leading cause of death for American children. In a recent year, 669 children under the age of five were killed while riding in cars. Tens of thousands more were seriously injured. Studies show that most of those deaths and injuries could have been avoided if the proper child restraint systems had been used. This bill, if enacted, would be the first in the nation to address the safety of this important segment of the travelling population.

At least one major rental firm has already begun a formal safety seat rental program which last year provided 27,000 rentals nationwide.

A1621(1984)

ASSEMBLY COMMERCE AND INDUSTRY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1621

STATE OF NEW JERSEY

DATED: MAY 7, 1984

This bill requires car rental companies to inform persons who rent cars of the child passenger restraint requirements of State law, P. L. 1983, c. 128 (C. 39:3-76.2a et seq.) and to provide, at the request of the renter, an appropriate child restraint which conforms to the federal motor vehicle safety standards applicable as of the effective date of the act. The car rental company would be required to supply the renter with simple instructions for its use. The car rental company would be permitted to charge a fee for its use as well as a deposit.

Violation of the act would make the car rental company liable to a fine of not less than \$50.00 nor more than \$250.00 for each offense.

In 1983, the Legislature enacted a law requiring persons operating motor vehicles equipped with safety belts who transport children under the age of five to use a child passenger restraint system which complies with the federal motor vehicle safety standard applicable when the restraint system was manufactured; if the child is 18 months or older, up to an age of five years, the child may be restrained with a safety belt in a rear seat. Any person guilty of violating that act is liable to a fine of not less than \$10.00 and not more than \$25.00. Fines may be suspended upon proof that an adequate restraint system subsequently has been acquired or is being used. The purpose of this bill is to make these restraint systems available to persons who rent cars in order that they will not be in violation of the law.

The Assembly Commerce and Industry Committee has deleted the requirements that the car rental company is entitled to receive 48 hours' notice of a prospective renter's intent to use a child passenger restraint system.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1621

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: JUNE 25, 1984

Assembly Bill No. 1621 OCR requires car rental companies to inform persons who rent cars of the child passenger restraint requirements of P. L. 1983, c. 128 (C. 39:3-76.2a et seq.) and to provide, at the request of the renter, an appropriate child restraint which conforms to the federal motor vehicle safety standards applicable as of the effective date of the act. The car rental company would be required to supply the renter with simple instructions for the use of the child restraint and would be permitted to charge a fee and a deposit for its use.

Violation of the act would make the car rental company liable to a fine of not less than \$50.00 nor more than \$250.00 for each offense.

In 1983, the Legislature enacted P. L. 1983, c. 128, a law requiring that persons who operate motor vehicles equipped with safety belts and transport children under the age of five must use a child passenger restraint system which complies with the federal motor vehicle safety standard applicable when the restraint system was manufactured. The law further provides that a child between the ages of 18 months and five years may be restrained with a safety belt in a rear seat. Any person guilty of violating that act is liable to a fine of not less than \$10.00 and not more than \$25.00. Fines may be suspended upon proof that an adequate restraint system subsequently has been acquired or is being used.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

April 15, 1985

ASSEMBLY BILL NO. 1621 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the Constitution, I am returning Assembly Bill No. 1621 (OCR) with my objections for reconsideration.

This bill would amend the Motor Vehicle Rental Statute to require persons engaged in the business of renting motor vehicles to make approved child passenger restraint systems available to renters. Current law requires that any person operating a motor vehicle must restrain children under 5 years of age in a restraint system in the front seat, and children under 18 months in both the front and rear seats. An out-of-state traveler with a small child visiting New Jersey and renting a car, is subject to the law. This bill will give the out-of-state traveler the means to obey the law without having to purchase a system here, or carry their own restraint from home. I would like to commend the Legislature for acting in this area to help ensure the safety of our young children.

However, I feel compelled to return this bill for your reconsideration for two reasons. First, the bill defines a "child restraint" as a child restraint system that conforms to the federal motor vehicle safety standard applicable as of the effective date of the act. This ties the standard to a fixed point in time and does not allow for future changes to the federal standard. This standard is also in conflict with the definition of a child restraint in C. 39:3-76.1a. That statute requires the child restraint system to comply with the federal standard applicable when the system was manufactured. I believe that the Title 39 standard is preferable to the standard in this bill. The inconsistency could result in the anomaly where a rental agency provides a system which complies with the standards in this bill, but not the standards in the mandatory use law.

Second, I believe it is unfair to fine a rental car agency for failure to provide a child restraint seat when they provide them in the ordinary course of business, but may have run out of them due to temporarily high demand. Without a notice requirement, demands will be difficult to predict. Therefore, I recommend that no notice is ever received from the customer as a prerequisite to obtaining a system, but the rental agency shall be subject to

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

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the fine provisions of the bill only if 24 hours notice was given to it that a child restraint system was required and the rental agency failed to supply the child restraint.

Accordingly, for the reasons I have stated above, I herewith return Assembly Bill No. 1621 (OCR) for reconsideration and recommend that it be amended as follows:

Page 1, Section 1, Line 14: Delete "as of the effective date of this act" insert "when it was manufactured"

Page 2, Section 3, Line 3: After "offense" insert ", if the owner received at least 24 hours advance notice from the customer or his agent that a child restraint system was required"

Respectfully,

/s/ Thomas H. Kean

GOVERNOR

seal

Attest:

/s/ W. Cary Edwards

Chief Counsel