

LEGISLATIVE HISTORY CHECKLIST

NJSA: 39:3-76.2a to 39:3-76.2d

(Child restraint systems in
autos - mandate)

LAWS OF: 1983

CHAPTER: 128

Bill No: A851

Sponsor(s): Garvin

Date Introduced: June 14, 1982

Committee: Assembly: Judiciary, Law, Public Safety and Defense

Senate: Law, Public Safety and Defense

Amended during passage: Yes // Assembly Committee
Substitute (OCR) enacted.
Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: June 21, 1982

Senate: Jan. 24, 1983

Date of Approval: April 7, 1983

Following statements are attached if available:

Sponsor statement:		Yes	//
Committee statement:	Assembly	Yes	//
	Senate	Yes	// not attached since identical to Assembly Committee statement

Fiscal Note: /// No

Veto Message: /// No

Message on Signing: Yes //

Following were printed:

Reports: /// No

Hearings: /// No

Federal Motor Vehicle Safety Standards:
49 C.F.R. 571.213

See attached leaflet

CHAPTER 128 LAWS OF N. J. 1983
APPROVED 4-7-83

[OFFICIAL COPY REPRINT]
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 851

STATE OF NEW JERSEY

ADOPTED JUNE 14, 1982

By Assemblywoman GARVIN, Assemblymen HERMAN, KERN and
Assemblywoman PERUN

AN ACT to require persons operating a motor vehicle and transporting children under the age of 5 years to use a child passenger restraint system or safety belts and making an appropriation therefor.

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

1 1. Every person operating a motor vehicle equipped with safety
2 belts who is transporting a child under the age of 5 years on road-
3 ways, streets or highways of this State, shall be responsible for
4 the protection of the child by properly using a child passenger
5 restraint system that complies with the federal motor vehicle
6 safety standard applicable when it was manufactured, or where
7 the child is 18 months of age or more but under 5 years of age by
8 securing the child with a safety belt in a rear seat. If there are no
9 rear seats, a child restraint system must be used. In no event shall
10 failure to wear a child passenger restraint system be considered
11 as contributory negligence, nor shall the failure to wear the child
12 passenger restraint system be admissible as evidence in the trial
13 of any civil action.

1 2. Where the number of children **in one family** under the age
2 of 5 in the motor vehicle exceeds the number of safety belts
3 available in the motor vehicle, the children who are not restrained
4 shall be seated in a rear seat.

1 3. The Division of Motor Vehicles shall print such materials as
2 to adequately inform the public about the types of child passenger
3 restraint systems meeting federal motor vehicle safety standards.

Matter printed in italics *thus* is new matter.

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

***—Senate committee amendment adopted October 18, 1982.**

4 These materials may be made available to car dealers, parent
5 groups, hospitals and the general public.

1 4. Any person guilty of violating any of the provisions of this act
2 shall be fined not less than \$10.00 and not more than \$25.00. The
3 court shall suspend any fine imposed for failure to use a child
4 restraint system if the defendant demonstrates that he possesses
5 a child restraint system that complies with the federal standard
6 applicable when it was manufactured and is using it according to
7 the manufacturer's instructions.

1 5. There is appropriated to the Division of Motor Vehicles the
2 sum of \$10,000.00 for the purpose of implementing this act.

1 6. This act shall take effect immediately.

ASSEMBLY, No. 851

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 22, 1982

By Assemblywoman GARVIN

Referred to Committee on Judiciary, Law, Public Safety
and Defense

AN ACT to require parents or guardians of children under the age of 4 years to use a child passenger restraint system when such child is riding in the parent's or guardian's car supplementing Title 39 of the Revised Statutes and making an appropriation therefor.

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

1 1. Every parent or legal guardian of a child under the age of
2 4 years residing in this State shall be responsible, when transport-
3 ing his or her child in a motor vehicle owned by that parent or
4 guardian operated on roadways, streets or highways of this State,
5 for providing for the protection of his or her child and properly
6 using a child passenger restraint system meeting Federal motor
7 vehicle safety standards, or assuring that such child is held in the
8 arms of a person 12 years of age or older riding as a passenger
9 in the motor vehicle. Provided that in no event shall failure to wear
10 a child passenger restraint system be considered as contributory
11 negligence, nor shall such failure to wear said child passenger
12 restraint system be admissible as evidence in the trial of any civil
13 action.

1 2. The New Jersey Division of Motor Vehicles shall print such
2 materials as to adequately inform the public about the types of
3 child passenger restraint systems meeting Federal motor vehicle
4 safety standards. These materials may be made available to car
5 dealers, parent groups and general public.

1 3. Violation of this act shall be a motor vehicle violation punish-
2 able by a fine of not less than \$10.00 and not more than \$25.00.

1 4. There is appropriated to the Division of Motor Vehicles the
2 sum of \$10,000.00 for the purpose of implementing this act.

1 5. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to require parents or guardians of children under the age of 4 years to use a child passenger restraint system when such child is riding in the parent's or guardian's motor vehicle.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 851

STATE OF NEW JERSEY

DATED JUNE 10, 1982

The purpose of this bill is to require persons transporting children under the age of 5 years in a motor vehicle to use a child passenger restraint system or safety belts. Children under the age of 18 months would be required to be restrained by a child restraint system that complies with federal standards. Children 18 months of age or older would have to be restrained in such system or by a safety belt.

By permitting children to be restrained by seat belts at 18 months or older, the bill poses a minimal financial hardship on parents. At the same time by teaching children to use seat belts when they are young, the bill will encourage them to use seat belts as adults.

Persons violating the provisions of the bill could be fined from \$10.00 to \$25.00. The court shall suspend any fine imposed for failure to restrain a child in a child restraint system, if the defendant demonstrated that he possesses and is using an acceptable child restraint device.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 851
with Senate committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 18, 1982

The purpose of this bill is to require persons transporting children under the age of five years in a motor vehicle to use a child passenger restraint system or safety belts. Children under the age of 18 months would be required to be restrained by a child restraint system that complies with federal standards. Children 18 months of age or older would have to be restrained in such system or by a safety belt.

By permitting children to be restrained by seat belts at 18 months or older, the bill poses a minimal financial hardship on parents. At the same time by teaching children to use seat belts when they are young, the bill will encourage them to use seat belts as adults.

Persons violating the provisions of the bill could be fined from \$10.00 to \$25.00. The court shall suspend any fine imposed for failure to restrain a child in a child restraint system, if the defendant demonstrated that he possesses and is using an acceptable child restraint device.

OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

CONTACT: PAUL WOLCOTT

APRIL 7, 1983

Governor Thomas H. Kean has signed the following bills:

A-851, sponsored by Assemblywoman Mildred Garvin, D-Essex, which requires the use of child restraints in automobiles for children under five years old. The bill requires the use of federally approved child restraint seats, while allowing a child between 18 months and five years to use a seat belt in the rear seat of the car as an alternative. The measure is intended to cut down on a major cause of injury and death in young children, the injuries received when a small child is thrown about the inside of a car during an auto accident.

A-366, sponsored by Assemblyman John P. Doyle, D-Ocean, which revises the statutes governing nonprofit corporations.

S-1833, sponsored by State Senator Frank X. Graves, D-Passaic, which makes it a crime "per se" to drive a motor vehicle with a blood alcohol concentration of .10 or more. Under the bold drunk driving statute a person with a blood alcohol content of .10 was presumed to be under the influence. This bill removes the presumption of intoxication and makes it a crime to have that level of blood alcohol. The bill makes New Jersey's drunk driving law conform to federal laws that provide incentive grants to states with stringent drunk driving laws. It is estimated that New Jersey will receive \$1.2 million in federal funds over three years after the bill becomes law.

#####