

39:3-76.2n

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2009 **CHAPTER:** 318

NJSA: 39:3-76.2n (Requires all automobile passengers to wear seat belts)

BILL NO: A870 (Substituted for S18)

SPONSOR(S) Albano and others

DATE INTRODUCED: January 8, 2008

COMMITTEE: **ASSEMBLY:** Transportation, Public Works and Independent Authorities

SENATE: Judiciary

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 11, 2010

SENATE: January 11, 2010

DATE OF APPROVAL: January 18, 2010

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First reprint enacted)

A870

SPONSOR'S STATEMENT: (Begins on page 2 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S18

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Protecting passengers, pedestrians," Asbury Park Press, 1-11-10.

"N.J. lawmakers poised to toughen seat belt law," Asbury Park Press, 1-18-10.

"Bill to tighten seat-belt law waits for Corzine's signature," The Press of Atlantic City, 1-18-10.

LAW/RWH

[First Reprint]

ASSEMBLY, No. 870

STATE OF NEW JERSEY
213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblyman NELSON T. ALBANO

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman MATTHEW W. MILAM

District 1 (Cape May, Atlantic and Cumberland)

Assemblywoman PAMELA R. LAMPITT

District 6 (Camden)

Co-Sponsored by:

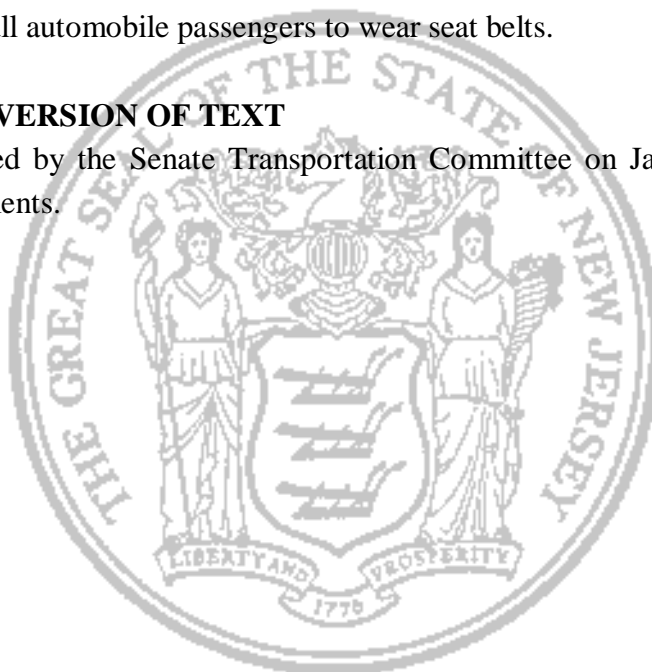
Senators Stack and Singer

SYNOPSIS

Requires all automobile passengers to wear seat belts.

CURRENT VERSION OF TEXT

As reported by the Senate Transportation Committee on January 7, 2010,
with amendments.



(Sponsorship Updated As Of: 1/12/2010)

1 AN ACT concerning safety seat belt usage and amending ¹and
2 supplementing¹ 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 2 of P.L.1984, c.179 (C.39:3-76.2f) is amended to
8 read as follows:

9 2. a. Except as provided in P.L.1983, c.128 (C.39:3-76.2a et
10 al.) for children under eight years of age and weighing less than 80
11 pounds, all passengers **[under eight years of age and weighing more**
12 **than 80 pounds, and all passengers who are at least eight years of**
13 **age but less than 18 years of age, and each driver and front seat**
14 **passenger]** ¹under eight years of age and weighing more than 80
15 pounds, and all passengers who are at least eight years of age but
16 less than 18 years of age, and each driver and front seat passenger¹
17 of a passenger automobile operated on a street or highway in this
18 State shall wear a properly adjusted and fastened safety seat belt
19 system as defined by Federal Motor Vehicle Safety Standard
20 Number 209.

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

26 ¹c. All rear seat passengers 18 years of age or older of a
27 passenger automobile operated on a street or highway in this State
28 shall wear a properly adjusted and fastened safety seat belt system
29 as defined by Federal Motor Vehicle Safety Standard Number 209.¹

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

33 (cf: P.L.2001, c.244, s.2)

34

35 ¹2. Section 3 of P.L.1984, c.179 (C.39:3-76.2g) is amended to
36 read as follows:

37 3. This act shall not apply to a driver or **[front seat]** passenger
38 of:

39 a. A passenger automobile manufactured before July 1, 1966;

40 b. A passenger automobile in which the driver or passenger
41 possesses a written verification from a licensed physician that the
42 driver or passenger is unable to wear a safety seat belt system for
43 physical or medical reasons;

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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate STR committee amendments adopted January 7, 2010.

1 c. A passenger automobile which is not required to be
2 equipped with a safety seat belt system under federal law;

3 d. A passenger automobile operated by a rural letter carrier of
4 the United States Postal Service while performing the duties of a
5 rural letter carrier; or

6 e. A passenger automobile which was originally constructed
7 with fewer safety seat belt systems than are necessary to allow the
8 passenger to be buckled.¹

9 (cf: P.L.1999, c.422, s.2)

10

11 ¹3. (New section) Enforcement of the provisions of subsection
12 c. of section 2 of P.L.1984, c.179 (C.39:3-76.2f) by State or local
13 law enforcement officials shall be accomplished by treating a
14 violation thereof only as a secondary offense when a driver of a
15 passenger automobile has been detained for some other suspected
16 violation of Title 39 of the Revised Statutes or other law. Each rear
17 seat passenger 18 years of age or older of a passenger automobile
18 shall be responsible for any fine imposed pursuant to section 6 of
19 P.L.1984, c.179 (C.39:3-76.2j) for failure to wear a seat belt
20 pursuant to subsection c. of section 2 of P.L.1984, c.179 (C.39:3-
21 76.2f).¹

22

23 ¹[2.] 4.¹ This act shall take effect immediately.

ASSEMBLY, No. 870

STATE OF NEW JERSEY

213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblyman NELSON T. ALBANO

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman MATTHEW W. MILAM

District 1 (Cape May, Atlantic and Cumberland)

SYNOPSIS

Requires all automobile passengers to wear seat belts.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 1/25/2008)

1 AN ACT concerning safety seat belt usage 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
8 read as follows:

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

18 b. The driver of a passenger automobile shall secure or cause to
19 be secured in a properly adjusted and fastened safety seat belt
20 system, as defined by Federal Motor Vehicle Safety Standard
21 Number 209, any passenger who is at least eight years of age but
22 less 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.2001, c.244, s.2)

27

28 2. This act shall take effect immediately.

29

30

31

STATEMENT

32

33 This bill would require all passengers in passenger automobiles
34 to wear seat belts.

35 Under current law, adults riding in the rear seat of a passenger
36 automobile are not required to wear their seat belts. The law
37 specifies that all children under the age of 18, the driver and any
38 front seat passenger of passenger automobiles are required to wear a
39 properly adjusted and fastened safety seat belt. It is silent about
40 adults riding in the rear seat.

41 This bill would require all passengers, regardless of where they
42 are seated in a passenger automobile, to wear a seat belt.

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 underlined thus is new matter.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 870

STATE OF NEW JERSEY

DATED: JANUARY 28, 2008

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably Assembly Bill No. 870.

As reported, this bill would require all passengers, regardless of where they are seated in a passenger automobile, to wear a seat belt.

Under current law, all children under the age of 18, the driver, and any front seat passenger of passenger automobiles are required to wear a properly adjusted and fastened safety seat belt. However, the current law does not require an adult riding in the rear seat of a passenger automobile to wear a seat belt.

This bill was pre-filed for introduction in the 2008-2009 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 870

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 7, 2010

The Senate Transportation Committee reports without recommendation and with amendments Assembly Bill No.870.

As reported, this amended bill would require all passengers, regardless of where they are seated in a passenger automobile, to wear a seat belt.

Under current law, all children under the age of 18, the driver, and any front seat passenger of passenger automobiles are required to wear a properly adjusted and fastened safety seat belt. However, the current law does not require an adult riding in the rear seat of a passenger automobile to wear a seat belt.

The bill provides that enforcement of the requirement that rear seat passengers wear a seat belt may only be accomplished by treating a violation as a secondary offense and that each rear seat passenger 18 years of age or older of a passenger automobile shall be responsible for any fine imposed for failure to wear a seat belt.

The committee amended the bill to clarify that, like other passengers of a passenger automobile required to wear a seat belt, rear seat passengers 18 years of age or older must also wear a properly adjusted and fastened safety seat belt system as defined by Federal Motor Vehicle Safety Standard Number 209.

The committee amended the bill to provide that enforcement of the requirement that rear seat passengers wear a seat belt may only be accomplished as a secondary offense and to provide that each rear seat passenger 18 years of age or older of a passenger automobile shall be responsible for any fine imposed for failure to wear a seat belt.

The committee made technical amendments, restored provisions of the law concerning the categories of passengers in the front seat of a passenger automobile, and included a new provision of law to be identical to the Senate version. The committee amended the bill's title to reflect the bill's new provisions concerning enforcement and responsibility for the fine.

This bill is identical to S-18, as amended and released by the committee on this date.

SENATE, No. 18

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED MAY 22, 2008

Sponsored by:

Senator BRIAN P. STACK

District 33 (Hudson)

Senator ROBERT W. SINGER

District 30 (Burlington, Mercer, Monmouth and Ocean)

SYNOPSIS

Requires all automobile passengers to wear seat belts.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning safety seat belt usage 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
8 read as follows:

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

18 b. The driver of a passenger automobile shall secure or cause to
19 be secured in a properly adjusted and fastened safety seat belt
20 system, as defined by Federal Motor Vehicle Safety Standard
21 Number 209, any passenger who is at least eight years of age but
22 less 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.2001, c.244, s.2)

27

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

30 3. This act shall not apply to a driver or **[front seat]** passenger
31 of:

32 a. A passenger automobile manufactured before July 1, 1966;

33 b. A passenger automobile in which the driver or passenger
34 possesses a written verification from a licensed physician that the
35 driver or passenger is unable to wear a safety seat belt system for
36 physical or medical reasons;

37 c. A passenger automobile which is not required to be
38 equipped with a safety seat belt system under federal law;

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

42 e. A passenger automobile which was originally constructed
43 with fewer safety seat belt systems than are necessary to allow the
44 passenger to be buckled.

45 (cf: P.L.1999, c.422, s.2)

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 underlined thus is new matter.

1 3. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 This bill would require all passengers, regardless of where they
7 are seated in a passenger automobile, to wear a seat belt.

8 Under current law, all children under the age of 18, the driver,
9 and any front seat passenger of passenger automobiles are required
10 to wear a properly adjusted and fastened safety seat belt. But the
11 current law does not require an adult riding in the rear seat of a
12 passenger automobile to wear a seat belt.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 18

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 7, 2010

The Senate Transportation Committee reports without recommendation and with amendments Senate Bill No.18.

As reported, this amended bill would require all passengers, regardless of where they are seated in a passenger automobile, to wear a seat belt.

Under current law, all children under the age of 18, the driver, and any front seat passenger of passenger automobiles are required to wear a properly adjusted and fastened safety seat belt. However, the current law does not require an adult riding in the rear seat of a passenger automobile to wear a seat belt.

The bill provides that enforcement of the requirement that rear seat passengers wear a seat belt may only be accomplished by treating a violation as a secondary offense and that each rear seat passenger 18 years of age or older of a passenger automobile shall be responsible for any fine imposed for failure to wear a seat belt.

The committee amended the bill to clarify that, like other passengers of a passenger automobile required to wear a seat belt, rear seat passengers 18 years of age or older must also wear a properly adjusted and fastened safety seat belt system as defined by Federal Motor Vehicle Safety Standard Number 209.

The committee amended the bill to provide that enforcement of the requirement that rear seat passengers wear a seat belt may only be accomplished as a secondary offense and to provide that each rear seat passenger 18 years of age or older of a passenger automobile shall be responsible for any fine imposed for failure to wear a seat belt.

The committee made technical amendments, restored provisions of the law concerning the categories of passengers in the front seat of a passenger automobile, and amended the bill's title to reflect the bill's new provisions concerning enforcement and responsibility for the fine.

This bill is identical to A-870, as amended and released by the committee on this date.