

39:3-76.2a et al.
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2015 **CHAPTER:** 50

NJSA: 39:3-76.2a et al. (Implements current car seat safety recommendations)

BILL NO: A3161 (Substituted for S2026)

SPONSOR(S) Lampitt and others

DATE INTRODUCED: May 15, 2014

COMMITTEE: **ASSEMBLY:** Women and Children
SENATE: Law and Public Safety

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 23, 2014
SENATE: March 16, 2015

DATE OF APPROVAL: May 7, 2015

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First reprint enacted)

A3161

SPONSOR'S STATEMENT: (Begins on page 4 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: Yes

LEGISLATIVE FISCAL ESTIMATE: No

S2026

SPONSOR'S STATEMENT: (Begins on page 4 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: Yes

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

"The facts behind the child restraint law," Suburban Trends, 5-27-15

"New law aids districts with military students," Burlington County Times, 5-12-15

LAW

P.L.2015, CHAPTER 50, *approved May 7, 2015*
Assembly, No. 3161 (*First Reprint*)

1 AN ACT concerning child passenger restraint systems and amending
2 P.L.1983, c.128, P.L.2001, c.244, and 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 1 of P.L.1983, c.128 (C.39:3-76.2a) is amended to
8 read as follows:

9 1. Every person operating a motor vehicle, other than a school
10 bus, equipped with safety belts or a Lower Anchors and Tethers for
11 Children system (LATCH) who is transporting a child **[**under the
12 age of eight years and weighing less than 80 pounds**]** on roadways,
13 streets or highways of this State, shall secure the child in a child
14 passenger restraint system or booster seat, as described in Federal
15 Motor Vehicle Safety Standard Number 213, in a rear seat as
16 follows:

17 a. A child under the age of two years and weighing less than 30
18 pounds shall be secured in a rear facing child passenger restraint
19 system, which is equipped with a five-point harness.

20 b. A child under the age of four years and weighing less than
21 40 pounds shall be secured:

22 (1) in a rear facing child passenger restraint system, which is
23 equipped with a five-point harness, until the child outgrows the top
24 height or top weight recommendations made by the manufacturer of
25 the child passenger restraint system, at which point the child shall
26 be secured in a rear seat, in a forward facing child passenger
27 restraint system which is equipped with a five-point harness; or

28 (2) in a forward facing child passenger restraint system which is
29 equipped with a five-point harness.

30 c. A child under the age of eight years and less than 57 inches
31 in height shall be secured:

32 (1) in a forward facing child passenger restraint system which is
33 equipped with a five-point harness, until the child outgrows the top
34 height or top weight recommendations made by the manufacturer of
35 the child passenger restraint system, at which point the child shall
36 be secured in a rear seat, in a booster seat; or

37 (2) in a booster seat.

38 d. If there are no rear seats, the child shall be secured in a child
39 passenger restraint system or booster seat **[**, as described in Federal
40 Motor Vehicle Safety Standard Number 213**]** in a front seat of a

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:

¹Assembly floor amendments adopted June 16, 2014.

1 motor vehicle except that no child shall be secured in a rear facing
2 child passenger restraint system in a front seat of any motor vehicle
3 which is equipped with a passenger-side airbag that is not disabled
4 or turned off.

5 e. In no event shall failure to **wear** be secured in a child
6 passenger restraint system or to use a booster seat be considered
7 as contributory negligence, nor shall the failure to **wear** be
8 secured in the child passenger restraint system or booster be
9 admissible as evidence in the trial of any civil action.

10 (cf: P.L.2001, c.244, s.1)

11

12 2. Section 3 of P.L.2001, c.244 (C.39:3-76.2c) is amended to
13 read as follows:

14 3. The **Division of Motor Vehicles** ¹**Motor Vehicle**
15 **Commission** Division of Highway Traffic Safety in the
16 Department of Law and Public Safety¹ shall print **such** materials
17 **as** to adequately inform the public about the types of child
18 passenger restraint systems and booster seats meeting federal motor
19 vehicle safety standards to reflect the provisions of section 1 of P.L.
20 c. (C.) (pending before the Legislature as this bill). These
21 materials may be made available to car dealers, parent groups,
22 hospitals, pediatricians and the general public.

23 (cf: P.L.1983, c.128, s.3)

24

25 3. Section 4 of P.L.1983, c.128 (C.39:3-76.2d) is amended to
26 read as follows:

27 4. Any person guilty of violating any of the provisions of this
28 act shall be fined not less than **\$10.00** \$50 and not more than
29 **\$25.00** \$75. **The court shall suspend any fine imposed for**
30 **failure to use a child restraint system if the defendant demonstrates**
31 **that he possesses a child restraint system that complies with the**
32 **federal standard applicable when it was manufactured and is using**
33 **it according to the manufacturer's instructions.**

34 (cf: P.L.1983, c.128, s.4)

35

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

38 2. a. Except as provided in P.L.1983, c.128 (C.39:3-76.2a et
39 al.) for children under eight years of age and **weighing less than 80**
40 **pounds** less than 57 inches in height, all passengers under eight
41 years of age and **weighing more than 80 pounds** at least 57 inches
42 in height, and all passengers who are at least eight years of age but
43 less than 18 years of age, and each driver and front seat passenger
44 of a passenger automobile operated on a street or highway in this
45 State shall wear a properly adjusted and fastened safety seat belt
46 system as defined by Federal Motor Vehicle Safety Standard
47 Number 209.

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
3 system, as defined by Federal Motor Vehicle Safety Standard
4 Number 209, any passenger who is at least eight years of age but
5 less than 18 years of age.

6 c. All rear seat passengers 18 years of age or older of a
7 passenger automobile operated on a street or highway in this State
8 shall wear a properly adjusted and fastened safety seat belt system
9 as defined by Federal Motor Vehicle Safety Standard Number 209.

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

13 (cf: P.L.2009, c.318, s.1)

14

15 5. This act shall take effect on the first day of the fourth month
16 next following enactment.

17

18

19

20

21

Implements current car seat safety recommendations.

ASSEMBLY, No. 3161

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MAY 15, 2014

Sponsored by:

Assemblywoman PAMELA R. LAMPITT
District 6 (Burlington and Camden)

SYNOPSIS

Implements current car seat safety recommendations.

CURRENT VERSION OF TEXT

As introduced.



A3161 LAMPITT

2

1 AN ACT concerning child passenger restraint systems and amending
2 P.L.1983, c.128, P.L.2001, c.244, and 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 1 of P.L.1983, c.128 (C.39:3-76.2a) is amended to
8 read as follows:

9 1. Every person operating a motor vehicle, other than a school
10 bus, equipped with safety belts or a Lower Anchors and Tethers for
11 Children system (LATCH) who is transporting a child **[**under the
12 age of eight years and weighing less than 80 pounds**]** on roadways,
13 streets or highways of this State, shall secure the child in a child
14 passenger restraint system or booster seat, as described in Federal
15 Motor Vehicle Safety Standard Number 213, in a rear seat as
16 follows:

17 a. A child under the age of two years and weighing less than 30
18 pounds shall be secured in a rear facing child passenger restraint
19 system, which is equipped with a five-point harness.

20 b. A child under the age of four years and weighing less than
21 40 pounds shall be secured:

22 (1) in a rear facing child passenger restraint system, which is
23 equipped with a five-point harness, until the child outgrows the top
24 height or top weight recommendations made by the manufacturer of
25 the child passenger restraint system, at which point the child shall
26 be secured in a rear seat, in a forward facing child passenger
27 restraint system which is equipped with a five-point harness; or

28 (2) in a forward facing child passenger restraint system which is
29 equipped with a five-point harness.

30 c. A child under the age of eight years and less than 57 inches
31 in height shall be secured:

32 (1) in a forward facing child passenger restraint system which is
33 equipped with a five-point harness, until the child outgrows the top
34 height or top weight recommendations made by the manufacturer of
35 the child passenger restraint system, at which point the child shall
36 be secured in a rear seat, in a booster seat; or

37 (2) in a booster seat.

38 d. If there are no rear seats, the child shall be secured in a child
39 passenger restraint system or booster seat **[**, as described in Federal
40 Motor Vehicle Safety Standard Number 213**]** in a front seat of a
41 motor vehicle except that no child shall be secured in a rear facing
42 child passenger restraint system in a front seat of any motor vehicle
43 which is equipped with a passenger-side airbag that is not disabled
44 or turned off.

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.

A3161 LAMPITT

3

1 e. In no event shall failure to **wear** be secured in a child
2 passenger restraint system or **to use a** booster seat be considered
3 as contributory negligence, nor shall the failure to **wear** be
4 secured in the child passenger restraint system or booster be
5 admissible as evidence in the trial of any civil action.
6 (cf: P.L.2001, c.244, s.1)

7
8 2. Section 3 of P.L.2001, c.244 (C.39:3-76.2c) is amended to
9 read as follows:

10 3. The **Division of Motor Vehicles** Motor Vehicle
11 Commission shall print **such** materials **as** to adequately inform
12 the public about the types of child passenger restraint systems and
13 booster seats meeting federal motor vehicle safety standards to
14 reflect the provisions of section 1 of P.L. c. (C.) (pending
15 before the Legislature as this bill). These materials may be made
16 available to car dealers, parent groups, hospitals, pediatricians and
17 the general public.
18 (cf: P.L.1983, c.128, s.3)

19
20 3. Section 4 of P.L.1983, c.128 (C.39:3-76.2d) is amended to
21 read as follows:

22 4. Any person guilty of violating any of the provisions of this
23 act shall be fined not less than **10.00** 50 and not more than
24 **25.00** 75. **The court shall suspend any fine imposed for**
25 **failure to use a child restraint system if the defendant demonstrates**
26 **that he possesses a child restraint system that complies with the**
27 **federal standard applicable when it was manufactured and is using**
28 **it according to the manufacturer's instructions.**
29 (cf: P.L.1983, c.128, s.4)

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

33 2. a. Except as provided in P.L.1983, c.128 (C.39:3-76.2a et
34 al.) for children under eight years of age and **weighing less than 80**
35 **pounds** less than 57 inches in height, all passengers under eight
36 years of age and **weighing more than 80 pounds** at least 57 inches
37 in height, and all passengers who are at least eight years of age but
38 less than 18 years of age, and each driver and front seat passenger
39 of a passenger automobile operated on a street or highway in this
40 State shall wear a properly adjusted and fastened safety seat belt
41 system as defined by Federal Motor Vehicle Safety Standard
42 Number 209.

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

A3161 LAMPITT

4

1 c. All rear seat passengers 18 years of age or older of a
2 passenger automobile operated on a street or highway in this State
3 shall wear a properly adjusted and fastened safety seat belt system
4 as defined by Federal Motor Vehicle Safety Standard Number 209.

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.2009, c.318, s.1)

9

10 5. This act shall take effect on the first day of the fourth month
11 next following enactment.

12

13

14

STATEMENT

15

16 This bill amends the State child passenger restraint system and
17 booster seat law to implement current car seat safety
18 recommendations.

19 Under current law, every person operating a motor vehicle, other
20 than a school bus, equipped with safety belts who is transporting a
21 child under the age of eight years and weighing less than 80 pounds
22 must secure the child in a child passenger restraint system or
23 booster seat.

24 The bill amends the law to specify that when being transported in
25 a motor vehicle:

- 26 • A child under the age of two years and weighing less than 30
27 pounds must be secured rear facing in a child passenger
28 restraint system equipped with a five-point harness.
- 29 • A child under the age of four years and weighing less than
30 40 pounds must be secured -
 - 31 ○ in a rear facing child passenger restraint system,
32 equipped with a five-point harness until he outgrows
33 the height or weight limitation for rear facing
34 imposed by the manufacturer of the child passenger
35 restraint system, at which point he will be secured
36 forward facing; or
 - 37 ○ in a forward facing child passenger restraint system
38 equipped with a five-point harness.
- 39 • A child under the age of eight years and less than 57 inches
40 in height must be secured -
 - 41 ○ in a forward facing passenger restraint system which
42 is equipped with a five-point harness, until he
43 outgrows the height or weight limitation imposed by
44 the manufacturer of the child passenger restraint
45 system, at which point the child is to be secured in a
46 rear seat, in a booster seat; or
 - 47 ○ in a rear seat, in a booster seat.

A3161 LAMPITT

5

1 The bill also amends the law to require the Motor Vehicle
2 Commission to print and distribute materials advising the public as
3 to the changes in the law. Finally, the bill amends the penalty
4 amount to reflect the current penalty assessed for a violation of the
5 act and removes the provision that a fine must be suspended by the
6 court if the motor vehicle operator was using a child passenger
7 restraint system not in current compliance with the law, but which
8 was compliant at one point in time.

ASSEMBLY WOMEN AND CHILDREN COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3161

STATE OF NEW JERSEY

DATED: JUNE 12, 2014

The Assembly Women and Children Committee reports favorably on Assembly Bill No. 3161.

This bill amends the State child passenger restraint system and booster seat law to implement current car seat safety recommendations established by the National Highway Traffic and Safety Administration (NHTSA).

Under current law, 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 must secure the child in a child passenger restraint system or booster seat.

The bill amends the law to specify that when being transported in a motor vehicle, a child under the age of: two years and weighing less than 30 pounds must be secured rear facing in a child passenger restraint system equipped with a five-point harness; four years and weighing less than 40 pounds must be secured in a rear facing child passenger restraint system, equipped with a five-point harness until he outgrows the height or weight limitation for rear facing imposed by the manufacturer of the child passenger restraint system, or in a forward facing child passenger restraint system equipped with a five-point harness; or eight years and less than 57 inches in height must be secured in a forward facing passenger restraint system which is equipped with a five-point harness, until he outgrows the height or weight limitation imposed by the manufacturer of the child passenger restraint system, or in a rear seat, in a booster seat.

The bill also amends the law to require the Motor Vehicle Commission to print and distribute materials advising the public as to the changes in the law. Finally, the bill amends the penalty amount to reflect the current penalty assessed for a violation of the act and removes the provision that a fine must be suspended by the court if the motor vehicle operator was using a child passenger restraint system not in current compliance with the law, but which was compliant at one point in time.

STATEMENT TO
ASSEMBLY, No. 3161

with Assembly Floor Amendments
(Proposed by Assemblywoman LAMPITT)

ADOPTED: JUNE 16, 2014

This floor amendment requires that the Division of Highway Traffic Safety in the Department of Law and Public Safety print and distribute materials informing the public about the types of child passenger restraint systems and booster seats meeting federal motor vehicle safety standards, instead of the Motor Vehicle Commission as currently provided in the bill.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3161

STATE OF NEW JERSEY

DATED: SEPTEMBER 18, 2014

The Senate Law and Public Safety Committee reports favorably Assembly Bill No. 3161 (1R).

Assembly Bill No. 3161 (1R) revises State law governing the use of child passenger restraint systems and booster seats to implement National Highway Traffic and Safety Administration (NHTSA) car seat safety recommendations.

Under current law, 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 who weighs less than 80 pounds is required to secure the child in a child passenger restraint system or booster seat.

The bill specifies that when being transported in a motor vehicle, children are to be secured as follows:

(1) children under two years old who weigh less than 30 pounds are to be secured in a rear facing child passenger restraint system equipped with a five-point harness;

(2) children under four years old who weigh less than 40 pounds are to be secured in a rear facing child passenger restraint system, equipped with a five-point harness until they outgrow the height or weight limitation imposed by the manufacturer of the restraint system, or in a forward facing child passenger restraint system equipped with a five-point harness;

(3) children under eight years old who are less than 57 inches in height are to be secured in a forward facing passenger restraint system which is equipped with a five-point harness, until they outgrows the height or weight limitation imposed by the manufacturer of the restraint system, or in a rear seat, in a booster seat.

If a motor vehicle does not have rear seats, current law requires a child to be secured in a child passenger restraint system. But if the vehicle without rear seat is equipped with a passenger-side airbag, the bill prohibits a child from being secured in a rear facing restraint system in the front seat unless the airbag is disabled or turned off.

The bill also requires the Division of Highway Traffic Safety in the Department of Law and Public Safety to print and distribute materials advising the public as to the changes in the law. Finally, the bill

upgrades the penalty amount to reflect the current penalty assessed for a violation and removes the provision that a fine must be suspended by the court if the motor vehicle operator was using a child passenger restraint system not in current compliance with the law, but which was previously compliant.

As reported by the committee, this bill is identical to Senate Bill No. 2026, as amended and reported by the committee on this same date.

SENATE, No. 2026

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED MAY 5, 2014

Sponsored by:
Senator JAMES BEACH
District 6 (Burlington and Camden)

SYNOPSIS

Implements current car seat safety recommendations.

CURRENT VERSION OF TEXT

As introduced.



S2026 BEACH

2

1 AN ACT concerning child passenger restraint systems and amending
2 P.L.1983, c.128, P.L.2001, c.244, and 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 1 of P.L.1983, c.128 (C.39:3-76.2a) is amended to
8 read as follows:

9 1. Every person operating a motor vehicle, other than a school
10 bus, equipped with safety belts or a Lower Anchors and Tethers for
11 Children system (LATCH) who is transporting a child **[**under the
12 age of eight years and weighing less than 80 pounds**]** on roadways,
13 streets or highways of this State, shall secure the child in a child
14 passenger restraint system or booster seat, as described in Federal
15 Motor Vehicle Safety Standard Number 213, in a rear seat as
16 follows:

17 a. A child under the age of two years and weighing less than 30
18 pounds shall be secured in a rear facing child passenger restraint
19 system, which is equipped with a five-point harness.

20 b. A child under the age of four years and weighing less than 40
21 pounds shall be secured:

22 (1) in a rear facing child passenger restraint system, which is
23 equipped with a five-point harness, until the child outgrows the top
24 height or top weight recommendations made by the manufacturer of
25 the child passenger restraint system, at which point the child shall
26 be secured in a rear seat, in a forward facing child passenger
27 restraint system which is equipped with a five-point harness; or

28 (2) in a forward facing child passenger restraint system which is
29 equipped with a five-point harness.

30 c. A child under the age of eight years and less than 57 inches in
31 height shall be secured:

32 (1) in a forward facing child passenger restraint system which is
33 equipped with a five-point harness, until the child outgrows the top
34 height or top weight recommendations made by the manufacturer of
35 the child passenger restraint system, at which point the child shall
36 be secured in a rear seat, in a booster seat; or

37 (2) in a booster seat.

38 d. If there are no rear seats, the child shall be secured in a child
39 passenger restraint system or booster seat **[**, as described in Federal
40 Motor Vehicle Safety Standard Number 213**]** in a front seat of a
41 motor vehicle except that no child shall be secured in a rear facing
42 child passenger restraint system in a front seat of any motor vehicle
43 which is equipped with a passenger-side airbag that is not disabled
44 or turned off.

45 e. In no event shall failure to **[wear]** be secured in a child
46 passenger restraint system or **[to use a]** booster seat be considered

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.

S2026 BEACH

1 as contributory negligence, nor shall the failure to **【wear】** be
2 secured in the child passenger restraint system or booster be
3 admissible as evidence in the trial of any civil action.

4 (cf: P.L.2001, c.244, s.1)

5

6 2. Section 3 of P.L.2001, c.244 (C.39:3-76.2c) is amended to
7 read as follows:

8 3. The **【Division of Motor Vehicles】** Motor Vehicle
9 Commission shall print **【such】** materials **【as】** to adequately inform
10 the public about the types of child passenger restraint systems and
11 booster seats meeting federal motor vehicle safety standards to
12 reflect the provisions of section 1 of P.L. c. (C.) (pending before
13 the Legislature as this bill). These materials may be made available
14 to car dealers, parent groups, hospitals, pediatricians and the
15 general public.

16 (cf: P.L.1983, c.128, s.3)

17

18 3. Section 4 of P.L.1983, c.128 (C.39:3-76.2d) is amended to
19 read as follows:

20 4. Any person guilty of violating any of the provisions of this
21 act shall be fined not less than **【\$10.00】** \$50 and not more than
22 **【\$25.00】** \$75. **【The court shall suspend any fine imposed for**
23 **failure to use a child restraint system if the defendant demonstrates**
24 **that he possesses a child restraint system that complies with the**
25 **federal standard applicable when it was manufactured and is using**
26 **it according to the manufacturer's instructions.】**

27 (cf: P.L.1983, c.128, s.4)

28

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

31 2. a. Except as provided in P.L.1983, c.128 (C.39:3-76.2a et
32 al.) for children under eight years of age and **【weighing less than 80**
33 **pounds】** less than 57 inches in height, all passengers under eight
34 years of age and **【weighing more than 80 pounds】** at least 57 inches
35 in height, and all passengers who are at least eight years of age but
36 less than 18 years of age, and each driver and front seat passenger
37 of a passenger automobile operated on a street or highway in this
38 State shall wear a properly adjusted and fastened safety seat belt
39 system as defined by Federal Motor Vehicle Safety Standard
40 Number 209.

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

46 c. All rear seat passengers 18 years of age or older of a
47 passenger automobile operated on a street or highway in this State

1 shall wear a properly adjusted and fastened safety seat belt system
2 as defined by Federal Motor Vehicle Safety Standard Number 209.

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

6 (cf: P.L.2009, c.318, s.1)

7

8 5. This act shall take effect on the first day of the fourth month
9 next following enactment.

10

11

12

STATEMENT

13

14 This bill amends the State child passenger restraint system and
15 booster seat law to implement current car seat safety
16 recommendations.

17 Under current law, every person operating a motor vehicle, other
18 than a school bus, equipped with safety belts who is transporting a
19 child under the age of eight years and weighing less than 80 pounds
20 must secure the child in a child passenger restraint system or
21 booster seat.

22 The bill amends the law to specify that when being transported in
23 a motor vehicle:

- 24 • A child under the age of two years and weighing less than 30
25 pounds must be secured rear facing in a child passenger
26 restraint system equipped with a five-point harness.
- 27 • A child under the age of four years and weighing less than
28 40 pounds must be secured -
 - 29 ○ in a rear facing child passenger restraint system,
30 equipped with a five-point harness until he outgrows
31 the height or weight limitation for rear facing
32 imposed by the manufacturer of the child passenger
33 restraint system, at which point he will be secured
34 forward facing; or
 - 35 ○ in a forward facing child passenger restraint system
36 equipped with a five-point harness.
- 37 • A child under the age of eight years and less than 57 inches
38 in height must be secured -
 - 39 ○ in a forward facing passenger restraint system which
40 is equipped with a five-point harness, until he
41 outgrows the height or weight limitation imposed by
42 the manufacturer of the child passenger restraint
43 system, at which point the child is to be secured in a
44 rear seat, in a booster seat; or
 - 45 ○ in a rear seat, in a booster seat.

46 The bill also amends the law to require the Motor Vehicle
47 Commission to print and distribute materials advising the public as
48 to the changes in the law. Finally, the bill amends the penalty

S2026 BEACH

5

1 amount to reflect the current penalty assessed for a violation of the
2 act and removes the provision that a fine must be suspended by the
3 court if the motor vehicle operator was using a child passenger
4 restraint system not in current compliance with the law, but which
5 was compliant at one point in time.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 2026

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 18, 2014

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 2026.

As amended and reported by the committee, Senate Bill No. 2026 revises State law governing the use of child passenger restraint systems and booster seats to implement National Highway Traffic and Safety Administration (NHTSA) car seat safety recommendations.

Under current law, 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 who weighs less than 80 pounds is required to secure the child in a child passenger restraint system or booster seat.

The amended bill specifies that when being transported in a motor vehicle, children are to be secured as follows:

(1) children under two years old who weigh less than 30 pounds are to be secured in a rear facing child passenger restraint system equipped with a five-point harness;

(2) children under four years old who weigh less than 40 pounds are to be secured in a rear facing child passenger restraint system, equipped with a five-point harness until they outgrow the height or weight limitation imposed by the manufacturer of the restraint system, or in a forward facing child passenger restraint system equipped with a five-point harness;

(3) children under eight years old who are less than 57 inches in height are to be secured in a forward facing passenger restraint system which is equipped with a five-point harness, until they outgrow the height or weight limitation imposed by the manufacturer of the restraint system, or in a rear seat, in a booster seat.

If a motor vehicle does not have rear seats, current law requires a child to be secured in a child passenger restraint system. But if the vehicle without rear seat is equipped with a passenger-side airbag, the bill prohibits a child from being secured in a rear facing restraint system in the front seat unless the airbag is disabled or turned off.

The amended bill also requires the Division of Highway Traffic Safety in the Department of Law and Public Safety to print and distribute materials advising the public as to the changes in the law.

As introduced, the bill required the Motor Vehicle Commission to print and distribute these materials.

Finally, the bill upgrades the penalty amount to reflect the current penalty assessed for a violation and removes the provision that a fine must be suspended by the court if the motor vehicle operator was using a child passenger restraint system not in current compliance with the law, but which was previously compliant.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 3161 (1R), also reported by the committee on this same date.

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Governor Chris Christie Takes Action on Pending Legislation

Thursday, May 7, 2015 • Tags: [Bill Action](#)

Trenton, NJ – Governor Chris Christie today announced action that has been taken on the following legislation:

BILL SIGNINGS:

A-1286/S-2439 (Dancer, Andrzejczak, Singleton/Van Drew, Oroho) - Authorizes the establishment of federal impact aid reserve account

A-1499/S-2712 (DeAngelo, Wimberly, Pinkin, Pintor Marin/Barnes, Turner) - Requires school business administrator to annually report to board of education on district contracts

A-2281/S-1727 (DeAngelo, Lagana, Garcia, Andrzejczak, Sumter/Barnes, Rice) - Includes reverse rate evasion as form of insurance fraud and provides for civil and criminal penalties

A-2969/S-2546 (Garcia, Caputo/Rice) - Prohibits sale, purchase, and possession of certain merchandise designed to conceal license plate to evade law enforcement

A-3161/S-2026 (Lampitt/Beach, Allen) - Implements current car seat safety recommendations

A-3455/S-2282 (Mukherji, Pinkin, Singleton, Danielsen, Pintor Marin/Smith, Bateman) - Amends definition of "Class II renewable energy"

A-3493/S-2564 (Johnson, Mainor, DeCroce, Wilson, Wimberly/Greenstein, Weinberg) - Requires police departments of certain educational institutions to adopt Attorney General Guidelines on internal affairs policies and procedures

A-3504/S-2231 (Lagana, Lampitt, Vainieri Huttie, Sumter/Weinberg, Vitale) - Requires DHS to use and update NJ Elder Index and related data to the extent possible

A-3905/S-2680 (Coughlin, Eustace, Johnson, Garcia/Gill, T. Kean) - Authorizes operators of motor vehicles to display electronic proof of insurance

BILLS VETOED:

A-1698/S-2316 (Wisniewski, Green, Jasey, Sumter/Whelan, Stack) – CONDITIONAL - Requires fire suppression systems in new single and two family homes

A-2996/S-2254 (Lagana, Stender, Pintor Marin/Whelan) – CONDITIONAL - Authorizes snow removal from covered fire hydrants and locator pole installation

A-3360/S-2425 (Lampitt, Garcia, Mukherji, Mosquera, Lagana, Wimberly/Ruiz, Allen) – ABSOLUTE - Requires each school district with middle school or high school to establish food services advisory committee to consider menu options that reflect students' cultural, traditional, and dietary preferences

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A-3970/S-2659 (Prieto, Jimenez, Jasey, Quijano/Sacco, Sarlo) –CONDITIONAL - Authorizes county vocational school district to request county improvement authority to construct and issue bonds to finance school facilities project

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