

39:3-76.2e to 39:3-76.2K

LEGISLATIVE HISTORY CHECKLIST

NJSA: 39:3-76.2e to 39:3-76.2K

"Passenger Automobile Seat
Seat Belt Usage Law"

LAWS OF: 1984

CHAPTER: 179

Bill No: A2304

Sponsor(s): Brown

Date Introduced: June 28, 1984

Committee: Assembly: Law, Public Safety and Defense

Senate: -----

Amended during passage: Yes Substituted for S2044 (not attached since identical to A2304; Senate committee statement to S2044 attached)

Date of Passage: Assembly: October 11, 1984

Senate: October 22, 1984

Date of Approval: November 8, 1984

Following statements are attached if available:

Sponsor statement: Yes Also attached: Senate amendments adopted 10-18-84 (with statement)

Committee statement: Assembly Yes
Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: No

See newspaper clipping, Burlington Record, 11-9-84--"Seat belt law gets Kean's ok"--attached.

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ASSEMBLY, No. 2304

STATE OF NEW JERSEY

INTRODUCED JUNE 25, 1984

By Assemblyman BROWN

AN ACT concerning the use of safety seat belt systems in passenger automobiles when so equipped, 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. This act shall be known and may be cited as the "Passenger
2 Automobile ***[Mandatory]*** Seat Belt Usage Act."

1 ***[2.** Each driver and front seat passenger of a passenger auto-
2 mobile, as defined in R. S. 39:1-1, operated on a street or highway
3 in this State shall wear a properly adjusted and fastened safety
4 seat belt system, except that a child under the age of five years of
5 age shall be protected as required by P. L. 1983, c. 128 (C.
6 39:3-76.2a et seq.). Each driver of a passenger automobile trans-
7 porting a child five years of age or more but less than eighteen
8 years of age in the front seat of the passenger automobile shall
9 secure, or cause to be secured, that child in a properly adjusted
10 and fastened safety seat belt system.]*

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

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 September 20, 1984.

**—Senate amendments adopted October 18, 1984.

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

1 3. This act shall not apply to a driver or **front seat** passenger
 1A of:

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

3 b. A passenger automobile in which the driver or passenger
 4 possesses a written verification from a licensed physician that the
 5 driver or passenger is unable to wear a safety seat belt system for
 6 physical or medical reasons;

7 c. A passenger automobile which is not required to be equipped
 8 with safety seat belt system under federal law; or,

9 d. A passenger automobile operated by a rural letter carrier of
 10 the United States Postal Service while performing the duties of a
 11 rural letter carrier.

1 ***[4. Failure to wear a safety seat belt system, in violation of this**
 2 **act, shall not be considered evidence of negligence nor limit liability**
 3 **of an insurer nor diminish recovery for damages arising out of the**
 4 **ownership, maintenance, or operation of a passenger automobile.**
 5 **In no event shall failure to wear a safety seat belt system be con-**
 6 **sidered as contributory negligence, nor shall the failure to wear a**
 7 **safety seat belt system be admissible as evidence in the trial of any**
 8 **other civil action.]***

1 *4. *This act shall not be deemed to change existing laws, rules,*
 2 *or procedures pertaining to a trial of a civil action for damages for*
 3 *personal injuries or death sustained in a motor vehicle accident.**

1 5. Enforcement of this act by State or local law enforcement
 2 agents shall be accomplished only as a secondary action when a
 3 driver of a passenger automobile has been detained for suspected
 4 violation of Title 39 of the Revised Statutes or some other offense.

1 6. A person who violates section 2 of this act ***[shall for the first**
 2 **offense receive a warning stating the requirements of the law on**
 3 **the use of safety seat belt systems and the penalties for a second**
 4 **or subsequent violation. For a second violation, a person shall be**
 5 **fined \$5.00. For a third or subsequent offense, a person]*** shall be
 6 fined ***[\$10.00]* **[*\$25.00]*** **\$20.00****. In no case shall **motor*
 7 *vehicle** points be assessed against any person for a violation of
 8 this act.

1 ***[7. Any person who is found guilty of violating this act five or**
 2 **more times in any three year period shall not be granted renewal**
 3 **of a driver's license from the State of New Jersey until such time**

4 as that person has completed satisfactorily a certified driver's edu-
5 cational course.]*

1 ***[8.]*** ****[*7.*** Employees of the State who drive State owned
2 vehicles shall at all times wear and secure the safety seat belt
3 system in the front seat when operating State owned vehicles.]***

1 ***[9.]*** ****[*8.*]**** **7.** The Director of the Division of Motor
2 Vehicles shall develop a booklet containing information on the
3 benefits of wearing safety seat belt systems. ***[This]*** *The*
4 booklet shall be made available upon request to the general public.

1 ***[10.]*** ****[*9.*]**** **8.** The Director of the Division of Motor
2 Vehicles shall study the effectiveness of this act and shall submit
3 to the Legislature a report ***[on that study on or before 30 months**
4 after the effective date of this act. Based on that report, the Legis-
5 lature shall allow this act to expire as provided in section 13 or
6 take appropriate action to make this act permanent.]* *containing
7 his findings on the first day of the 36th month following the effective
8 date of this act.*

1 ***[11.** The Office of Highway Safety in the Division of Motor
2 Vehicles shall seek out any funds available for implementation of an
3 effective passenger automobile safety seat belt system program.
4 Any funds available from the federal government as a result of
5 passage of this act or as a result of federal action shall be ad-
6 ministered by the Division of Motor Vehicles for any reason so
7 designated as a condition for receiving such funds.]*

1 ***[12.]*** ****[*10.*]**** **9.** There is appropriated to the Division
2 of Motor Vehicles the sum of \$25,000.00 from the General Fund for
3 the purpose of implementing the provisions of this act. *The Office
4 of Highway Safety in the Division of Motor Vehicles shall seek out
5 any funds available for implementation of an effective educational
6 program on passenger automobile safety seat belt systems.*

1 ***[13.]*** ****[*11.*]**** **10.** This act shall take effect on the first
2 day of the fourth month following enactment ***[and shall expire**
3 three years thereafter]*, except that section ***[12]*** ****[*10*]****
4 **9** shall take effect immediately.

5 passage of this act or as a result of federal action shall be ad-
 6 ministered by the Division of Motor Vehicles for any reason so
 7 designated as a condition for receiving such funds.

1 12. There is appropriated to the Division of Motor Vehicles the
 2 sum of \$25,000.00 from the general fund for the purpose of im-
 3 plementing the provisions of this act.

1 13. This act shall take effect on the first day of the fourth month
 2 following enactment and shall expire three years thereafter, except
 3 that section 12 shall take effect immediately.

Sponsor STATEMENT

The purpose of this bill is to require that the driver and pas-
 sengers in the front seat of an operating passenger automobile
 wear the safety seat belt system provided as original equipment
 in virtually all passenger automobiles operating on New Jersey
 streets and highways. The dramatic decrease in fatalities and
 serious injuries in countries and provinces having enacted man-
 datory seat belt usage laws attests to the benefits of such legisla-
 tion. It is estimated that easily one-half of all fatalities and serious
 injuries can be eliminated by simply requiring people to use equip-
 ment already installed in their vehicles, and thereby greatly reduce
 lost work time, insurance cost and health benefit cost to both indi-
 viduals, private companies, and the State of New Jersey.

While the insurance rates in the State of New Jersey are among
 the highest in the country, the increased use of safety seat belt
 systems will cause subsequent reductions in accidents, deaths, in-
 juries, and lost work time. This could lead to reduced cost to busi-
 ness and industry, and local and State governments thereby even-
 tually leading to cost containment and other incentives in auto-
 motive insurance rates and premiums.

The Legislature also encourages all companies operating and
 doing business in the State to initiate programs, for employees and
 families, to publicize and enhance the use of passenger automobile
 safety seat belt systems.

A2304(1984)

ASSEMBLY LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2304

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 20, 1984

Assembly Bill No. 2304, as amended by the Assembly Law, Public Safety and Defense Committee, requires a driver and a front seat passenger in a motor vehicle to wear a seat belt when the vehicle is being operated. This requirement will not apply to certain drivers or passengers, including a driver or passenger of a motor vehicle manufactured before July 1, 1966 or a driver or passenger with a physical or medical reason for not wearing a seat belt.

The enforcement of the seat belt requirement will only be a secondary action when a driver is detained for a motor vehicle violation under Title 39 of the Revised Statutes. A \$25.00 fine shall be imposed for a violation of the seat belt requirement.

The bill appropriates \$25,000.00 from the General Fund for the purpose of implementing the educational provisions of the act. The bill will take effect four months after enactment.

The amendments made by the committee set a \$25.00 fine for each violation of the seat belt requirement; whereas, the bill originally required a warning for the first offense, a \$5.00 fine for a second offense and a \$10.00 fine for a third or subsequent offense. The amendments also deleted the provision which stated that a person with five or more violations of the seat belt requirement must complete a certified driver's educational course before his driver's license is renewed. In addition, the amendments deleted the provision in the bill which stated that the act would expire three years from its enactment.

to

Assembly Bill No. 2304 OCR

proposed by Senator Lesniak
10/18/84

ADOPTED
OCT 18 1984

Amend:

Page	Sec.	Line	
2	6	6	Omit "\$25.00" insert "\$20.00"
3	7	1-3	Omit in entirety
3	8	1	Omit "8." insert "7."
3	9	1	Omit "9." insert "8."
3	10	1	Omit "10." insert "9."
3	11	1	Omit "11." insert "10."
3	11	3	Omit "10." insert "9."

STATEMENT

These amendments remove section 7 of A.2304 OCR, which specifically requires State employees to wear seat belts while operating State-owned vehicles. This section is not necessary, because State employees are already required to wear seat belts by section 2. of the bill.

These amendments also lower from \$25.00 to \$20.00 the fine imposed upon a driver or front-seat passenger for failure to wear a properly adjusted and fastened safety seat belt system and upon a driver for failure to secure in a safety seat belt system any front-seat passenger who is at least ^{bive} 5 but under 18 years of age.



OFFICE OF THE GOVERNOR
NEWS RELEASE

CN-001

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Release: THURSDAY, NOV. 8

Governor Thomas H. Kean today signed legislation making the wearing of seatbelts in passenger cars mandatory in New Jersey.

The legislation, A-2340, was sponsored by Assemblyman Willie Brown, D-Essex, and becomes effective four months from the date of enactment.

New Jersey becomes only the second state in the nation with a mandatory seat belt law, the other being New York.

In signing the bill, the Governor said that traffic statistics "have already proven rather conclusively that safety belts are instrumental in preventing injury and death in motor vehicle accidents."

"At the same time, this legislation should not be construed as a substitute for strict enforcement of other motor vehicle laws," he said. "Making New Jersey highways safe and keeping them safe is a task which requires an ongoing, broad, overall traffic safety program."

The legislation requires the driver and front seat passengers in a car to wear seatbelts while the vehicle is in operation. Operators and passengers in cars manufactured prior to July 1, 1966 --- before seatbelts were required in cars --- are exempt from the law.

- more -

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NOV 8 1966

185 W. State Street
Trenton, N. J.

A-2340 SIGNED
PAGE TWO
NOVEMBER 8, 1984

Violation of the law carries a \$20 fine, but no motor vehicle points will be assessed. The law provides, further, that failure to wear a seatbelt be a collateral offense, drawing a citation only if the motorist is halted by a police officer for a separate moving violation.

The legislation directs the Director of the Division of Motor Vehicles to study the effectiveness of the law and submit a report to the Legislature in three years. The Director is required, further, to develop a booklet for public distribution concerning the benefits of wearing seatbelts.

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