

CHAPTER 244

AN ACT concerning the use of child passenger restraint systems, booster seats, and seat belts, amending P.L.1983, c.128 and P.L.1984, c.179 and repealing section 2 of P.L.1983, c.128.

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

1. Section 1 of P.L.1983, c.128 (C.39:3-76.2a) is amended to read as follows:

C.39:3-76.2a Child passenger restraint system; booster seat, use; failure to use not contributory negligence; inadmissibility in evidence.

1. 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 on roadways, streets or highways of this State, shall secure the child in a child passenger restraint system or booster seat, as described in Federal Motor Vehicle Safety Standard Number 213, in a rear seat. If there are no rear seats, the child shall be secured in a child passenger restraint system or booster seat, as described in Federal Motor Vehicle Safety Standard Number 213. In no event shall failure to wear a child passenger restraint system or to use a booster seat be considered as contributory negligence, nor shall the failure to wear the child passenger restraint system be admissible as evidence in the trial of any civil action.

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

C.39:3-76.2f Seat belt usage requirements for persons ages 8-18; driver's responsibility.

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

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

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

Repealer.

3. Section 2 of P.L.1983, c.128 (C.39:3-76.2b) is repealed.

4. This act shall take effect on the first day of the third month after enactment.

Approved September 6, 2001.