

SENATE, No. 583

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

SYNOPSIS

Increases penalties for failing to secure a child in a child passenger restraint system or booster seat while operating a motor vehicle.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the use of child passenger restraint systems and
2 amending and supplementing P.L.1983, c.128.

3

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

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

9 3. The **【Division of Motor Vehicles】** Division of Highway
10 Traffic Safety in the Department of Law and Public Safety shall
11 print such materials as to adequately inform the public about the
12 types of child passenger restraint systems meeting federal motor
13 vehicle safety standards. These materials may be made available to
14 car dealers, parent groups, hospitals and the general public.
15 (cf: P.L.1983, c.128, s.3)

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

19 4. a. Any person guilty of violating any of the provisions of
20 this act shall be **【fined not less than \$10.00 and not more than**
21 **\$25.00】** subject to the following penalties:

22 (1) For a first offense a fine of \$100;

23 (2) For a second or subsequent offense a fine of not less than
24 \$250 or more than \$500.

25 **【The court shall suspend any fine imposed for failure to use a**
26 **child restraint system if the defendant demonstrates that he**
27 **possesses a child restraint system that complies with the federal**
28 **standard applicable when it was manufactured and is using it**
29 **according to the manufacturer's instructions.】** For a first offense,
30 the court shall waive a fine to be imposed for failure to use a child
31 passenger restraint system if the defendant demonstrates that the
32 defendant is in possession of a child passenger restraint system.

33 b. Of the moneys collected from each fine imposed pursuant to
34 the provisions of subsection a. of this section, \$25 shall be
35 deposited in the Division of Highway Traffic Safety Child
36 Passenger Restraint System Assistance Fund established under the
37 provisions of section 3 of P.L. , c. (C.) (pending before the
38 Legislature as this bill).

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

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41 3. (New section) There is established a nonlapsing revolving
42 fund, to be known as the Division of Highway Traffic Safety Child
43 Passenger Restraint System Assistance Fund, to be administered by
44 the State Treasurer. All moneys deposited in the fund pursuant to
45 the provisions of subsection b. of section 4 of P.L.1983, c.128

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 (C.39:3-76.2d) shall be used exclusively by the Division of
2 Highway Traffic Safety in the Department of Law and Public Safety
3 to purchase child passenger restraint systems for distribution to
4 persons and organizations that establish and maintain child
5 passenger restraint system lending programs. Any interest earned
6 on moneys in the fund shall be credited to the fund. The Director of
7 the Division of Highway Traffic Safety, in accordance with the
8 "Administrative Procedure Act," P.L.1968, c.410
9 (C.52:14B-1 et seq.), shall promulgate rules and regulations to
10 effectuate the purposes of this section.

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12 4. This act shall take effect on the first day of the third month
13 after enactment, but such anticipatory administrative action may be
14 taken in advance as shall be necessary for the implementation of the
15 act.

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STATEMENT

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20 This bill increases the penalties for motor vehicle operators who
21 fail to secure a child under the age of eight years and weighing less
22 than 80 pounds in a child passenger restraint system or booster seat
23 in a rear seat in accordance with current law.

24 The current penalty is a fine of between \$10 and \$25. The bill
25 increases the penalty for a first offense to a fine of \$100 and
26 provides that for a first offense, the court is to waive the fine to be
27 imposed if the defendant demonstrates that he or she is in
28 possession of a child passenger restraint system. The fine for
29 second and subsequent offenses would be no less than \$250 nor
30 more than \$500.

31 The bill establishes a Division of Highway Traffic Safety Child
32 Passenger Restraint System Assistance Fund to be administered by
33 the State Treasurer. From the moneys collected from each fine, \$25
34 is to be deposited into the fund and used exclusively by the Division
35 of Highway Traffic Safety to purchase child passenger restraint
36 systems for distribution to persons and organizations that establish
37 and maintain child passenger restraint system lending programs.