

SENATE, No. 3323

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED NOVEMBER 14, 2022

Sponsored by:

Senator HOLLY T. SCHEPISI

District 39 (Bergen and Passaic)

SYNOPSIS

Repeals law providing that violation of rear seat belt law be treated as secondary offense; establishes certain reporting requirements; requires AG to issue report.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning safety belt usage and repealing section 3 of
2 P.L.2009, c.318.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. (New section) The Legislature finds and declares that:

8 a. In 2020, traffic fatalities in New Jersey rose five percent and
9 585 people lost their lives on State roads according to the New
10 Jersey State Police;

11 b. In 2019, lack of seat belt use was a factor in 43 percent of
12 passenger vehicle fatalities when restraint use was known according
13 to the National Highway Traffic Safety Administration (NHTSA);

14 c. Motor vehicle crashes cost New Jersey nearly \$13 billion
15 annually according to the NHTSA and crash costs are 55 percent
16 higher for unbelted crash victims who incur medical bills compared
17 with belted victims;

18 d. Unbelted rear seat passengers can be thrown about the
19 passenger compartment of a vehicle in a crash, posing a serious
20 threat to the driver and other vehicle occupants as the odds of death
21 for a belted driver seated directly in front of an unrestrained
22 passenger in a serious head-on crash is 2.27 times higher than if the
23 driver is seated in front of a restrained passenger;

24 e. It is the intent of the New Jersey Legislature to increase the
25 survival rates of individuals involved in vehicular crashes on New
26 Jersey's roads and highways, reduce the severity of vehicular crash
27 injuries, and curb the escalating costs of health care, workers'
28 compensation, and other insurance-related expenditures associated
29 with motor vehicle crashes;

30 f. Under current law, failure to wear a seatbelt in the rear seat
31 of a motor vehicle constitutes a secondary offense, which means a
32 law enforcement officer cannot stop and issue a ticket solely for a
33 violation of the rear seat belt law, but only when a driver of a
34 passenger automobile has been stopped for some other suspected
35 violation of Title 39 of the Revised Statutes or other law;

36 g. By making a failure to wear a seatbelt in the rear seat of a
37 motor vehicle a primary offense, the Legislature intends to
38 strengthen the State's seat belt laws; and

39 h. The Legislature intends to enhance safety for motorists, but
40 does not intend to expand in any way the circumstances under
41 which a law enforcement officer may lawfully inspect or search a
42 motor vehicle or the vehicle's contents, driver, or passengers.

43
44 2. (New section) a. One year after the effective date of this
45 act, all State and local law enforcement agencies shall submit a
46 report to the Attorney General containing information from the
47 preceding year on any traffic stop where a passenger received a

1 citation for a violation of subsection c. of section 2 of P.L.1984,
2 c.179 (C.39:3-76.2f). The information shall include the alleged
3 traffic violation that led to the motor vehicle stop, any citation or
4 warning issued as a result of the motor vehicle stop, whether a
5 search was instituted as a result of the motor vehicle stop, and
6 whether the motor vehicle stop led to an arrest of a driver or any
7 passenger of the vehicle. The Attorney General shall compare the
8 data contained in this report with any traffic stop data available
9 from two years prior to the effective date of this act, in order to
10 determine the effect of the implementation of this act on law
11 enforcement practices. Within six months of receiving a report by
12 State and local law enforcement agencies, the Attorney General
13 shall issue a report to the Governor and the Legislature pursuant to
14 section 2 of P.L.1991, c.164 (C.52:14-19.1) which details the
15 Attorney General's conclusions regarding the impact of this act on
16 law enforcement practices.

17 b. Information pertaining to the implementation of this act shall
18 be included in the State of New Jersey Highway Safety Plan sent to
19 the National Highway Traffic Safety Administration and the Federal
20 Highway Administration. The information shall include, but not be
21 limited to, the effect of the implementation of this act on the
22 number of injuries and fatalities resulting from motor vehicle
23 accidents in this State.

24
25 3. Section 3 of P.L.2009, c.318 (C.39:3-76.2n) is repealed.

26
27 4. This act shall take effect immediately.
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30 STATEMENT

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32 This bill makes it a primary offense to violate the law requiring a
33 rear seat motor vehicle passenger to wear a seat belt.

34 Under current law, failure to wear a seatbelt in the rear seat of a
35 motor vehicle constitutes a secondary offense, which means a law
36 enforcement officer cannot stop and issue a ticket to a person solely
37 for a violation of the rear seat belt law, but only when the motor
38 vehicle has been stopped for some other suspected violation of Title
39 39 of the Revised Statutes or other law. This bill repeals the current
40 law requiring that enforcement of the rear seat safety belt law be
41 accomplished by treating a violation as a secondary offense.

42 In addition, one year after the effective date of this bill, all State
43 and local law enforcement agencies are required to submit a report
44 to the Attorney General containing information from the preceding
45 year on any traffic stop where a passenger received a citation for a
46 violation of subsection c. of section 2 of P.L.1984, c.179 (C.39:3-
47 76.2f). The information is to include the alleged traffic violation
48 that led to the motor vehicle stop, any citation or warning issued as

1 a result of the motor vehicle stop, whether a search was instituted as
2 a result of the motor vehicle stop, and whether the motor vehicle
3 stop led to an arrest of a driver or any passenger of the vehicle.

4 The Attorney General is to compare the data contained in this
5 report with any traffic stop data available from two years prior to
6 the effective date of this bill, in order to determine the effect of the
7 implementation of this bill on law enforcement practices. Within
8 six months of receiving a report by State and local law enforcement
9 agencies, the Attorney General is to issue a report to the Governor
10 and the Legislature which details the Attorney General's
11 conclusions regarding the impact of this act on law enforcement
12 practices.

13 Finally, the bill provides that information pertaining to the
14 implementation of this bill is to be included in the State of New
15 Jersey Highway Safety Plan sent to the National Highway Traffic
16 Safety Administration and the Federal Highway Administration.
17 The information is to include, but not be limited to, the effect of the
18 implementation of this act on the number of injuries and fatalities
19 resulting from motor vehicle accidents in this State.