



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 23-168

TITLE:

RESOLUTION TO SUPPORT A5163 REPEALING LAW PROVIDING THAT VIOLATION OF REAR SEAT BELT LAW BE TREATED AS SECONDARY OFFENSE

WHEREAS, in 2020, traffic fatalities in New Jersey rose five percent and 585 lost their lives on State roads according to the New Jersey State Police; and

WHEREAS, in 2019, lack of seat belt use was a factor in 43 percent of passenger vehicle fatalities when restraint use was known according to the National Highway Traffic Safety Administration (NHTSA); and

WHEREAS, motor vehicle crashes cost New Jersey nearly \$13 billion annually according to the NHTSA and crash costs are 55 percent higher for unbelted crash victims who incur medical bills compared with belted victims; and

WHEREAS, unbelted rear passengers can be thrown about the passenger compartment of a vehicle in a crash, posing a serious threat to the driver and other vehicle occupants as the odds of death for a belted driver seated directly in front of an unrestrained passenger in a serious head-on crash is 2.27 times higher than if the driver is seated in front of a restrained passenger; and

WHEREAS, it is the intent of the New Jersey legislature to increase the survival rates of individuals involved with vehicular crashes on New Jersey's roads and highways, reduce the severity of vehicular crash injuries, and curb the escalating costs of health care, workers' compensation, and other insurance related expenditures associated with motor vehicle crashes; and

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

WHEREAS, by making a failure to wear a seatbelt in the rear seat of a motor vehicle a primary offense, the Legislature intends to strengthen the State's seat belt law;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, extend its full support of Assembly Bill No. 5163, introduced on February 6, 2023 by Assemblyman Robert Auth, which repeals the law providing that violation of rear seat belt law be treated as secondary offense.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Governor Phil Murphy, Senator Holly Schepisi, Assemblyman Robert Auth, Assemblywoman DeAnne DeFuccio, and the State League of Municipalities.

RECORD OF COUNCIL VOTE:

Motion – by Councilman: Talamini Second – by Councilman: Slasinski

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala	✓				Saliani	✓			
McCann			✓		Slasinski	✓			
Pignatelli			✓		Talamini	✓			
MAYOR (Tie-Break Vote): Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: May 24, 2023

Linda H. Schwager
Linda H. Schwager, Mayor

Michael E. Carelli
Michael E. Carelli, Borough Clerk

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.