

**ASSEMBLY, No. 5163**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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INTRODUCED FEBRUARY 6, 2023

**Sponsored by:**  
**Assemblyman ROBERT AUTH**  
**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  
48 citation for a violation of subsection c. of section 2 of P.L.1984,

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

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

23  
24 3. Section 3 of P.L.2009, c.318 (C.39:3-76.2n) is repealed.

25  
26 4. This act shall take effect immediately.  
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## 29 STATEMENT

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

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

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

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

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

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