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SENATE BILL 752

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Linda M Lopez

AN ACT

RELATING TO MOTOR VEHICLES; CHANGING CRITERIA REGARDING USE OF  
SAFETY BELTS AND CHILD PASSENGER RESTRAINTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-7-369 NMSA 1978 (being Laws 1983,  
Chapter 252, Section 2, as amended) is amended to read:

"66-7-369. CHILD PASSENGER RESTRAINT-- ENFORCEMENT. --

A. ~~[No]~~ A person shall not operate a passenger  
car, van or pickup truck in this state ~~[and not]~~, except for  
an authorized emergency vehicle, public transportation or a  
school bus, unless ~~[each passenger under eleven]~~ all  
passengers less than eighteen years of age ~~[is]~~ are properly  
restrained.

B. Each person less than eighteen years of age  
shall be properly secured in a child passenger restraint

underscored material = new  
[bracketed material] = delete

1 device or by a safety belt, unless all seating positions  
2 equipped with safety belts are occupied, as follows:

3 (1) children less than one year of age shall  
4 be properly secured in a rear-facing child passenger restraint  
5 device [~~which meets the standards prescribed in 49 CFR~~  
6 ~~571.213~~] that meets federal standards, in the rear seat of the  
7 vehicle or in the front seat of the vehicle if the passenger-  
8 side air bag is deactivated;

9 (2) children one year of age [~~and older but~~  
10 ~~less than five~~] through four years of age, regardless of  
11 weight, or children who weigh less than forty pounds,  
12 regardless of age, shall be properly secured in a child  
13 passenger restraint device [~~which meets the standards~~  
14 ~~prescribed in 49 CFR 571.213 or in the rear seat by a safety~~  
15 ~~belt provided in the motor vehicle; and~~] that meets federal  
16 standards;

17 (3) children five years of age [~~and older but~~  
18 ~~less than eleven years of age shall be secured by a safety~~  
19 ~~belt provided in the motor vehicle in either the front or rear~~  
20 ~~seat~~] through twelve years of age shall be secured by a seat  
21 belt in the rear seat of a motor vehicle equipped with a rear  
22 seat, unless all available seating positions are occupied by  
23 passengers twelve years of age or younger; and

24 (4) children thirteen through seventeen years  
25 of age shall be secured by a safety belt in the front seat or

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rear seat of the vehicle.

[~~B-~~] C. Failure to be secured by a child passenger restraint device or by a safety belt as required by this section shall not in any instance constitute fault or negligence and shall not limit or apportion damages."

Section 2. EFFECTIVE DATE. -- The effective date of the provisions of this act is July 1, 2001.