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FISCAL IMPACT REPORT

SPONSOR: Lopez DATE TYPED: 02/27/01 HB _____
 SHORT TITLE: Child Passenger Restraints SB 752
 ANALYST: _____

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
			See Narrative		

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB499

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY01	FY02			
	See Narrative			

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

Taxation and Revenue Department
 Department of Public Safety
 Traffic Safety Bureau, State Highway and Transportation Department

SUMMARY

Synopsis of Bill

Senate Bill 752 changes the requirements regarding the use of safety belts and child passenger restraints to require:

- all passengers 18 years or younger to be properly fastened while riding in a passenger car, van or pickup truck in this state unless in an authorized emergency vehicle, public transportation or a school bus;
- children under one year of age to be secured in a rear-facing child restraint device that meets federal standards, to ride in the back seat of a vehicle or in the passenger front seat if the air bag has been deactivated;

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- children one to four years of age, regardless of weight or children who weigh less than forty pounds, regardless of age to be secured in a child passenger restraint device that meets federal standards;
- children five to twelve years of age to be secured by a seat belt in the rear seat of a motor vehicle equipped with a rear seat, unless all available seating positions are occupied by passengers twelve years of age or under;
- children thirteen to seventeen years of age to be secured by a safety belt in the front or rear seat of the vehicle.

This bill also states that failure to follow the provisions of this bill shall not in any instance constitute fault or negligence and shall not limit or apportion damages.

Significant Issues

Current statutes require children ages one to five to be restrained via seat belts or other devices, require children between the ages of five and eleven to wear safety belts in any seat of the vehicle and does not require individuals between ages of thirteen and eighteen be secured by safety belts in when riding in the rear seats of vehicles.

The Traffic Safety Bureau of the State Highway and Transportation Department reports the following significant issue:

SB 752 proposes changes which will bring New Mexico into compliance with federal seat belt law criteria, 23 U.S.C. Section 405 (a). SB752 upgrades the current law incorporating best practices recommendations of the National Safe Kids Report – 2001. Eighteen percent (79/424 MVC fatalities) of New Mexico motor vehicle fatalities in 1998 were age 19 and under. Of all fatalities from unintentional injuries in children 0-19 years, 56% were in motor vehicle crashes. Motor vehicle crash continues to be the leading cause of death for New Mexico children 1-19 years.

FISCAL IMPLICATIONS

According to the State Highway and Transportation Department, passage of this legislation may eliminate the potential for federal sanctions in future years.

ADMINISTRATIVE IMPLICATIONS

The Department of Public Safety notes the provisions of this bill, particularly the change found in paragraph B(3), police officers will not be required to determine the age of an individual seated in the front seat relative to individuals seated in the rear seat of a motor vehicle, all dependent upon age and placement which is virtually unenforceable as a criteria for stopping vehicles. Therefore, they anticipate this legislation will have a tremendous administrative impact on the New Mexico State Police.

New Mexico currently has a statewide child car seat program that should be able to provide child occupant restraints to low income families.

RELATIONSHIP

This bill relates to SB499 which mandates that every passenger in a vehicle weighing 10,000 pounds or less be properly fastened in a seatbelt while the vehicle is in motion on any street or highway.

TECHNICAL ISSUES

The Taxation and Revenue Department notes the following technical issue:

In cases of vehicles not equipped with rear seats, the proposed measure would require deactivation of passenger-side air bags in the front seat -- when children under one-year of age are transported. Hence in absence of some convenient mechanism for deactivating and reactivating air bags, when adults ride in a vehicle in which the passenger-side air bag is deactivated to accommodate infants, the adults would not be protected by air bags. In practice, it might be difficult for enforcement officers to determine whether the front seat passenger side air bag has been deactivated. It might therefore be more appropriate to simply specify that children under one year of age are required to ride in rear seats of vehicles equipped with rear seats.

OTHER SUBSTANTIVE ISSUES

The State Highway and Transportation Department reported the following facts relating to child restraint usage in New Mexico:

- The National SAFE KIDS Campaign recently gave the New Mexico occupant safety law for minors a “failed” rating along with 23 other states, citing a number of unacceptable gaps in the law (NSKC Report – 2001).
- During 1999, two thirds of motor vehicle fatalities under the age of 13, and three quarters of motor vehicle fatalities under the age of 18, were unrestrained during the incidents (UNM Office of Evaluation Report – 2000).
- Lack of restraint use was thus associated with 58 deaths among minors in that one year (UNMOER – 2000).
- According to a recent statewide observation study conducted in 11 communities by the UNM Office of Evaluation, restraint use among ages 1 -18 remains at the mediocre average of only about 50%, despite the fact that the adult usage in New Mexico is 87% (UNMOER – 2000).
- Without the proposed changes in SB 752, New Mexico will not be in compliance with federal seat belt law criteria, 23 U.S.C. Section 405 (a) which may result in sanctions on NM funds.

JMG/njw