

HOUSE BILL 116

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Monica Youngblood

AN ACT

RELATING TO MOTOR VEHICLES; REQUIRING ALL VEHICLE PASSENGERS TO
BE RESTRAINED REGARDLESS OF THE PASSENGER'S AGE.

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. A person shall not operate a passenger car, van
or pickup truck in this state, except for an authorized
emergency vehicle, public transportation or a school bus,
unless all passengers [~~less than eighteen years of age~~] are
properly restrained.

B. Each person less than eighteen years of age
shall be properly secured in a child passenger restraint device
or by a safety belt [~~unless all seating positions equipped with~~

.191259.1

underscored material = new
[bracketed material] = delete

underscoring material = new
~~[bracketed material] = delete~~

1 ~~safety belts are occupied~~] as follows:

2 (1) children less than one year of age shall
3 be properly secured in a rear-facing child passenger restraint
4 device that meets federal standards, in the rear seat of a
5 vehicle that is equipped with a rear seat. If the vehicle is
6 not equipped with a rear seat, the child may ride in the front
7 seat of the vehicle if the passenger-side air bag is
8 deactivated or if the vehicle is not equipped with a
9 deactivation switch for the passenger-side air bag;

10 (2) children one year of age through four
11 years of age, regardless of weight, or children who weigh less
12 than forty pounds, regardless of age, shall be properly secured
13 in a child passenger restraint device that meets federal
14 standards;

15 (3) children five years of age through six
16 years of age, regardless of weight, or children who weigh less
17 than sixty pounds, regardless of age, shall be properly secured
18 in either a child booster seat or an appropriate child
19 passenger restraint device that meets federal standards; and

20 (4) children seven years of age through twelve
21 years of age shall be properly secured in a child passenger
22 restraint device or by a seat belt.

23 C. A child is properly secured in an adult seat
24 belt when the lap belt properly fits across the child's thighs
25 and hips and not the abdomen. The shoulder strap shall cross

.191259.1

underscored material = new
[bracketed material] = delete

1 the center of the child's chest and not the neck, allowing the
2 child to sit all the way back against the vehicle seat with
3 knees bent over the seat edge.

4 D. Failure to be secured by a child passenger
5 restraint device, by a child booster seat or by a safety belt
6 as required by this section shall not in any instance
7 constitute fault or negligence and shall not limit or apportion
8 damages."

9 SECTION 2. Section 66-7-372 NMSA 1978 (being Laws 1985,
10 Chapter 131, Section 3, as amended) is amended to read:

11 "66-7-372. SAFETY BELT USE REQUIRED--EXCEPTION.--

12 A. Except as provided by [~~Section 66-7-369 NMSA~~
13 ~~1978 and in~~] Subsection B of this section, each occupant of a
14 motor vehicle having a gross vehicle weight of ten thousand
15 pounds or less manufactured with safety belts in compliance
16 with federal motor vehicle safety standard number 208 shall
17 have a safety belt properly fastened about [~~his~~] the occupant's
18 body at all times when the vehicle is in motion on any street
19 or highway.

20 B. This section shall not apply to an occupant of a
21 motor vehicle having a gross vehicle weight of ten thousand
22 pounds or less who possesses a written statement from a
23 licensed physician that [~~he~~] the occupant is unable for medical
24 reasons to wear a safety belt or to a rural letter carrier of
25 the United States postal service while performing the duties of

.191259.1

underscoring material = new
~~[bracketed material] = delete~~

1 a rural letter carrier."

2 SECTION 3. EFFECTIVE DATE.--The effective date of the
3 provisions of this act is July 1, 2013.

4 - 4 -

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25