

1 SENATE BILL 313

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY

4 Antoinette Sedillo Lopez

10 AN ACT

11 RELATING TO MOTOR VEHICLES; ELIMINATING PROVISIONS OF LAW THAT  
12 FAILURE TO BE SECURED BY A CHILD PASSENGER RESTRAINT DEVICE OR  
13 BY A SAFETY BELT AS REQUIRED BY THE SAFETY BELT USE ACT SHALL  
14 NOT IN ANY INSTANCE CONSTITUTE FAULT OR NEGLIGENCE AND SHALL  
15 NOT LIMIT OR APPORTION DAMAGES.

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

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

20 "66-7-369. CHILD PASSENGER RESTRAINT--ENFORCEMENT.--

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

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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 safety belts are occupied, as follows:

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

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

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

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

1                   C. A child is properly secured in an adult seat  
2                   belt when the lap belt properly fits across the child's thighs  
3                   and hips and not the abdomen. The shoulder strap shall cross  
4                   the center of the child's chest and not the neck, allowing the  
5                   child to sit all the way back against the vehicle seat with  
6                   knees bent over the seat edge.

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

12                  SECTION 2. Section 66-7-373 NMSA 1978 (being Laws 1985,  
13                  Chapter 131, Section 4, as amended) is amended to read:

14                  "66-7-373. ENFORCEMENT PROGRAMS.--

15                  [A. ~~Failure to be secured by a child passenger~~  
16                  restraint device or by a safety belt as required by the Safety  
17                  Belt Use Act shall not in any instance constitute fault or  
18                  negligence and shall not limit or apportion damages.]

19                  B.] A. The bureau in cooperation with the [state  
20                  department of] public education department and the department  
21                  of health shall, to the extent that funding allows, provide  
22                  education to encourage compliance with the use of restraint  
23                  devices in reducing the risk of harm to their users as well as  
24                  to others.

25                  [C.] B. The bureau shall evaluate the effectiveness  
26                  .233258.3GLG

1 of the Safety Belt Use Act and shall include a report of its  
2 findings in the annual evaluation report on its highway safety  
3 plan that it submits to the national highway traffic safety  
4 administration and the federal highway administration under 23  
5 U.S.C. 402.

6 [D.] C. The provisions of the Safety Belt Use Act  
7 shall be enforced whether or not associated with the  
8 enforcement of any other statute."

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