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HOUSE BILL 354

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Mimi Stewart

AN ACT

RELATING TO MOTOR VEHICLES; CHANGING THE REQUIREMENTS FOR
CHILD PASSENGER RESTRAINT.

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 person shall 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~~] all passengers under [~~eleven~~] sixteen
years of age [~~is~~] are properly restrained.

B. Each person under sixteen years of age must be
properly secured in a child passenger restraint device or by a
safety belt, whichever is appropriate, unless all seating

underscored material = new
[bracketed material] = delete

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1 positions equipped with safety belts are occupied as follows:

2 (1) children [~~less than one year of age~~] four
3 years of age and younger, regardless of weight, or children
4 weighing less than forty pounds, regardless of age, shall be
5 properly secured in a child passenger restraint device which
6 meets the standards prescribed in 49 CFR 571.213; and

7 [~~(2) children one year of age and older but~~
8 ~~less than five years of age shall be properly secured in a~~
9 ~~child passenger restraint device which meets the standards~~
10 ~~prescribed in 49 CFR 571.213 or in the rear seat by a safety~~
11 ~~belt provided in the motor vehicle; and]~~

12 [~~(3)~~] (2) children five years of age and older
13 but less than [~~eleven~~] sixteen years of age shall be secured
14 by a safety belt provided in the motor vehicle in either the
15 front or rear seat.

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

20 Section 2. EFFECTIVE DATE. --The effective date of the
21 provisions of this act is January 1, 2000.

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
3
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6 February 16, 1999
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8 Mr. Speaker:
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10 Your BUSINESS AND INDUSTRY COMMITTEE, to whom has
11 been referred
12

13 HOUSE BILL 354
14

15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to the
17 JUDICIARY COMMITTEE.

18 Respectfully submitted,
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22 _____
23 Debbie A. Rodella, Chairwoman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

3 HBIC/HB 354

Page 4

4 Adopted _____ Not Adopted _____

6 (Chief Clerk)

(Chief Clerk)

8 Date _____

10 The roll call vote was 11 For 0 Against

11 Yes: 11

12 Excused: Sanchez

13 Absent: None

15 J: \99BillSWP\H0354

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1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999

3
4 February 22, 1999

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6
7 Mr. Speaker:

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9 Your JUDICIARY COMMITTEE, to whom has been referred

10 HOUSE BILL 354

11
12 has had it under consideration and reports same with
13 recommendation that it DO PASS.

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15 Respectfully submitted,

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19 _____
20 R. David Pederson, Chairman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HJC/HB 354

Page 6

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 11 For 0 Against

Yes: 11

Excused: Luna

Absent: None

J: \99BillSWP\H0354

underscored material = new
[bracketed material] = delete

FORTY- FOURTH LEGISLATURE

FIRST SESSION, 1999

HB 354/a

March 14, 1999

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 354

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 1, line 17, strike "-- ENFORCEMENT".

2. On page 2, lines 3 and 4, strike "or children weighing
less than forty pounds, regardless of age,".

3. On page 2, strike lines 16 through 19 in their entirety
and
insert in lieu thereof:

"C. Copies of this act shall be available and distributed
to the public in Spanish, Navajo, Apache and other pueblo
languages of the state.".

Respectfully submitted,

FORTY- FOURTH LEGI SLATURE
FIRST SESSI ON, 1999

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SJC/HB 354

Page 8

Michael S. Sanchez, Chair man

Adopted _____ Not

Adopted _____

(Chi ef Clerk)

(Chi ef Clerk)

Date _____

The roll call vote was 4 For 1 Against

Yes: 4

No: McSorley

Excused: Aragon, Davi s, Lopez

Absent: None

H0354JU1