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SENATE BILL 313

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

INTRODUCED BY

Antoinette Sedillo Lopez

AN ACT

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

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.

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1           B. Each person less than eighteen years of age  
2 shall be properly secured in a child passenger restraint device  
3 or by a safety belt, unless all seating positions equipped with  
4 safety belts are occupied, as follows:

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

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

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

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

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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

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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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