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**SENATE BILL 586**

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

**INTRODUCED BY**

**John T. L. Grubesi c**

**FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**AN ACT**

**RELATING TO MOTOR VEHICLES; REQUIRING CHILD BOOSTER SEAT USE  
FOR CERTAIN CHILDREN.**

**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**

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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; ~~and~~

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 ~~[(3)]~~ (4) children ~~[five]~~ seven years of age  
21 through twelve years of age shall be properly secured in a  
22 child passenger 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

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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. Paragraphs (3) and (4) of Subsection B of this  
5 section do not apply to passenger vans operated by child  
6 daycare centers licensed by the children, youth and families  
7 department.

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