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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 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;

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

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

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

15 C. A child is properly secured in an adult seat
16 belt when the lap belt properly fits across the child's
17 thighs and hips and not the abdomen. The shoulder strap
18 shall cross the center of the child's chest and not the neck,
19 allowing the child to sit all the way back against the
20 vehicle seat with knees bent over the seat edge.

21 D. Failure to be secured by a child passenger
22 restraint device, by a child booster seat or by a safety belt
23 as required by this section shall not in any instance
24 constitute fault or negligence and shall not limit or
25 apportion damages."