HB 1467-FN - AS INTRODUCED

2024 SESSION

24-2796
11/08

HOUSE BILL ***1467-FN***

AN ACT relative to child passenger protection.

SPONSORS: Rep. Gibbons, Hills. 20; Rep. Horrigan, Straf. 10; Rep. Damon, Sull. 8

COMMITTEE: Transportation

ANALYSIS

This bill requires a motor vehicle restraint system for motor vehicle operators and passengers under 18 years of age.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

24-2796
11/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to child passenger protection.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Child Passenger Restraints Required. RSA 265:107-a, I, I-a, I-b, and I-c are repealed and reenacted to read as follows:

265:107-a Child Passenger Restraints Required.

I. No person who is less than 18 years of age shall drive a motor vehicle on any way unless such person is wearing a seat or safety belt which is properly adjusted and fastened.

I-a. No person operating a motor vehicle equipped with safety belts or a Lower Anchors and Tethers for Children system (LATCH) who is transporting a child shall drive on any way while carrying as a passenger a person less than 18 years of age unless such person is wearing a seat or safety belt which is properly adjusted and fastened. Except as provided in paragraph II, no person shall drive a motor vehicle on any way while carrying as a passenger a person less than 18 years of age unless the motor vehicle was designed for, and is equipped with, fully operational child passenger restraints in accordance with the safety standards approved by the United States Department of Transportation in 49 C.F.R. section 571.213. For children under the age of eight years and less than 57 inches, an operator shall secure the child in a child passenger restraint system or booster seat in a rear seat as follows:

(a) A child under the age of two years and weighing less than 30 pounds shall be secured in a rear facing child passenger restraint system, which is equipped with a five-point harness.

(b) A child under the age of four years and weighing less than 40 pounds shall be secured in a rear or front facing child passenger restraint system, which is equipped with a five-point harness, until the child outgrows the top height or top weight recommendations made by the manufacturer of the child passenger restraint system, at which point the child shall be secured in a rear seat, in a forward facing child passenger restraint system which is equipped with a five-point harness.

(c) A child under the age of 8 years, but no younger than 5 years, and less than 57 inches in height shall be secured in a forward facing child passenger restraint system which is equipped with a 5-point harness, until the child outgrows the top height or top weight recommendations made by the manufacturer of the child passenger restraint system, at which point the child shall be secured in a rear seat and in a booster seat, until reaching 57 inches tall.

I-b. Upon reaching 57 inches, a child shall remain in a booster seat until the seat belt fits properly without a booster. A seat belt fits properly when:

(a) A child can sit with their back flush against the back of the car's seat;

(b) The child's knees bend at the edge of the seat;

(c) The child's feet are flat on the floor of the car;

(d) The lap belt is across the child's hips, not their abdomen;

(e) The shoulder belt is across the child's shoulder and chest, not their neck and face; and

(f) The child can remain under the conditions in (a) through (e) for the entire trip.

I-c. In a vehicle equipped with front seats and back seats, no child under the age of 13 shall ride in the front seat. However, if there are no rear seats, a child under 57 inches shall be secured in a child passenger restraint system or booster seat in a front seat of a motor vehicle except that no child shall be secured in a rear facing child passenger restraint system in a front seat of any motor vehicle which is equipped with a passenger-side airbag that is not disabled or turned off.

2 Effective Date. This act shall take effect January 1, 2025.

LBA
24-2796
11/30/23

HB 1467-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to child passenger protection.

FISCAL IMPACT: [X] State [X] County [X] Local [ ] None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
Revenue	Indeterminable			
Revenue Fund	Highway Fund			
Expenditures	Indeterminable			
Funding Source	General Fund			
Appropriations	$0	$0	$0	$0
Funding Source	None			

Estimated Political Subdivision Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
County Revenue	$0	$0	$0	$0
County Expenditures	Indeterminable			
Local Revenue	$0	$0	$0	$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association