

HB 222-FN - AS INTRODUCED

2023 SESSION

23-0324

02/04

HOUSE BILL            **222-FN**

AN ACT                to require the use of seat belts during the operation of motor vehicles.

SPONSORS:            Rep. Veilleux, Hills. 34; Rep. Luneau, Merr. 9; Rep. Petrigno, Hills. 43; Rep. Vail,  
Hills. 6; Rep. Sykes, Graf. 14; Sen. Watters, Dist 4

COMMITTEE:          Transportation

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ANALYSIS

This bill requires the use of seat belt restraints for all occupants when operating motor vehicles.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Three*

AN ACT to require the use of seat belts during the operation of motor vehicles.

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

1 1 Motor Vehicles; Original and Youth Operators' Licenses. Amend RSA 263:14, IV to read as  
2 follows:

3 IV. A driver who is under 18 years of age shall not be subject to license suspension for a first  
4 violation of RSA 265:107-a, [~~I-a~~] I.

5 2 Rules of the Road; Restraints Required. RSA 265:107-a is repealed and reenacted to read as  
6 follows:

7 265:107-a Restraints Required.

8 I. Any person operating a motor vehicle on a public way, and any passenger therein, shall  
9 wear a properly fastened safety belt that meets all applicable federal standards unless exempted in  
10 this section.

11 II. No person shall drive any motor vehicle on any way while carrying as a passenger a  
12 person less than 8 years of age unless such passenger is properly fastened and secured by a child  
13 restraint system which is in accordance with the safety standards approved by the United States  
14 Department of Transportation in 49 C.F.R. section 517.213. If the passenger is 57 inches or more in  
15 height, the provisions of this paragraph shall not apply.

16 III. A person shall not be guilty of a violation of this section if the motor vehicle the person is  
17 driving is a motorcycle as defined in RSA 259:63.

18 IV. A person shall not be guilty of a violation of this section if:

19 (a) The person is a passenger in a motor vehicle for hire, such as a taxi or livery, that is  
20 regularly used for such purpose;

21 (b) The person is a rural mail carrier of the United States Postal Service or a newspaper  
22 delivery person while in the performance of duties;

23 (c) The person is a passenger of an authorized emergency vehicle;

24 (d) The vehicle is being driven in a parade authorized by law or ordinance, provided that  
25 the parade vehicle is traveling at a speed of no more than 15 miles per hour;

26 (e) The person is driving or riding in a pickup truck while engaged in normal farming  
27 work or activity;

28 (f) The person is driving a passenger vehicle in reverse;

29 (g) The person is actually engaged in work that requires the person to alight from and  
30 reenter a motor vehicle at frequent intervals and who, while engaged in that work, does not drive or  
31 travel in that vehicle at a speed exceeding 25 miles per hour;

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1 (h) The person is driving or riding in a passenger vehicle manufactured before January  
2 1, 1968 unless in fact the vehicle is equipped with safety belts;

3 (i) The person has removed their safety belt in order to retrieve documentation required  
4 to be produced during a safety stop or detention; or

5 (j) The person has a mental or physical disability which prevents the use of approved  
6 restraints, provided that such disability is certified by a licensed physician or nurse practitioner.

7 V. Failure to wear or use a passenger safety belt shall not be considered as evidence of  
8 either comparative or contributory negligence in any civil suit or insurance claim adjudication  
9 arising out of any motor vehicle accident, nor shall failure to wear or use an occupant protection  
10 system be admissible as evidence in the trial of any civil action or insurance claim adjudication.

11 VI. Any driver who violates the provisions of this section shall be guilty of a violation and  
12 shall be subject to the following fines:

13 (a) \$50 per offense.

14 (b) \$25 per offense for each passenger not properly restrained in accordance with this  
15 section.

16 VII. The provisions of this section shall be enforceable only as a secondary offense when the  
17 police officer detains the driver for a suspected violation of another provision of Title XXI. A  
18 conviction for violating the provisions of this section shall not preclude any other offense for which  
19 violation of this section might constitute an element.

20 3 New Section; Passenger Restraints. Amend RSA 266 by inserting after section 3-a the  
21 following new section:

22 266:3-b Passenger Restraints.

23 I. Any motor vehicle operating on a public way shall be equipped with passenger restraints  
24 and shall be able to accommodate child safety restraint systems meeting all federal motor vehicle  
25 safety standards unless such vehicle was manufactured prior to January 1, 1968.

26 II. The director shall establish a procedure for the examination of passenger restraints on  
27 motor vehicles during the inspection required pursuant to RSA 266:1. The procedure shall confirm  
28 that passenger restraints meeting applicable federal motor vehicle safety standards are properly  
29 installed for the driver and each passenger of the vehicle being inspected.

30 4 Effective Date. This act shall take effect January 1, 2024.

**HB 222-FN- FISCAL NOTE  
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AN ACT to require the use of seat belts during the operation of motor vehicles.

**FISCAL IMPACT:**     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

**METHODOLOGY:**

This bill requires the use of seat belt restraints for all motor vehicle passengers and establishes a violation level offense. There is no method to determine how many charges, if any, would be brought as a result of this bill to determine the fiscal impact on expenditures. The Judicial Branch has indicated the potential cost per case for violation/misdemeanor level offenses would be \$122 in FY 2024 (not including appeals).

The Department of Safety states it does not expect this bill would significantly impact patrol operations within the Division of State Police and therefore should have no impact on its budget.

**AGENCIES CONTACTED:**

Judicial Branch and Department of Safety