

SB 118-FN - AS INTRODUCED

2023 SESSION

23-0439

02/05

SENATE BILL        ***118-FN***

AN ACT                requiring children under the age of 2 years to be restrained in a motor vehicle.

SPONSORS:        Sen. Fenton, Dist 10; Sen. Gannon, Dist 23; Sen. Prentiss, Dist 5; Rep. Telerski, Hills. 11; Rep. Sykes, Graf. 14; Rep. Crawford, Carr. 3; Rep. J. MacDonald, Carr. 6

COMMITTEE:        Transportation

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ANALYSIS

This bill requires children under the age of 2 years old to be restrained in a rear facing child restraint in a motor vehicle.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 requiring children under the age of 2 years to be restrained in a motor vehicle.

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

1 1 Rules of the Road; Child Passenger Restraints Required. Amend RSA 265:107-a, I-b to read as  
2 follows:

3 I-b. No person shall drive a motor vehicle on any way while carrying as a passenger a person  
4 less than 7 years of age unless such passenger is properly fastened and secured by a child restraint  
5 system which is in accordance with the safety standards approved by the United States Department  
6 of Transportation in 49 C.F.R. section 571.213. If the passenger is 57 inches or more in height, the  
7 provisions of this paragraph shall not apply. ***Each child restraint system shall be used in***  
8 ***accordance with its manufacturer instructions, including manufacturer height and***  
9 ***weight limits, proper attachment to the vehicle, correct securement of the child, and expiry***  
10 ***dates.***

11 ***I-c. No person shall drive a motor vehicle on any way while carrying as a passenger***  
12 ***a person less than 2 years of age unless such passenger is properly fastened and secured by***  
13 ***a rear facing child restraint system which is in accordance with safety standards.***

14 2 Effective Date. This act shall take effect January 1, 2024.

**SB 118-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT requiring children under the age of 2 years to be restrained in a motor vehicle.

**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	Indeterminable	Indeterminable	Indeterminable
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input checked="" type="checkbox"/> Highway <input type="checkbox"/> Other			

**METHODOLOGY:**

This bill, effective January 1, 2024, modifies the requirements for child passenger restraints in a motor vehicle for children under the age of two (2), to which those found guilty are subject to a violation level offense. It is not possible to estimate how many new cases may arise because of this change, if any, however the Judicial Branch estimates the potential cost of violation level cases to be \$119 in FY 2023 and \$122 in FY 2024. Additionally, violations of this statute carry a fine of \$50 for first offense and \$100 for subsequent offenses. Therefore, this bill may increase revenue to the state highway fund.

**AGENCIES CONTACTED:**

Judicial Branch