

## A Short History of Occupant Protection in New Mexico

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In 1967, the National Transportation Safety Board issued Federal Motor Vehicle Safety Standard 208 (effective 1/1/68), which required auto manufacturers to install lap and shoulder belts in outboard positions (next to windows) and lap belts in all other positions.<sup>1</sup>

In 1983, New Mexico's mandatory child restraint law went into effect. It originally required that all children under the age of five be properly secured when riding in passenger vehicles, vans and pickup trucks, but with secondary enforcement. In 1985, it was amended to include children under 11 with primary enforcement. The amended law required children under age one had to be in a child safety seat; children between one and four had to be in a safety seat, or, when in the back seat, they could be in a seat belt. Children between five and eleven had to be in a safety belt either in the front or back seat. Of course, these requirements have changed considerably since 1985.

New Mexico's mandatory adult safety belt law was passed in 1985 and went into effect in January, 1986. Originally, it applied only to front seat occupants of "passenger cars," exempting pickup trucks until 1989, and contained an exception to allow stray passengers to ride unbelted if all the seat belts in the car were being used. In 1989, it was changed to cover ALL motor vehicles of 10,000 pounds or less, including pickups. In 2001 the law was changed to apply to all passengers in the front and back seats, and deleted the exception allowing passengers to ride unbelted if all the safety belts were taken.

New Mexico's adult safety belt law has always been a primary enforcement law.

To sum up, our adult safety belt law today covers all persons in all positions, all the time, and may be enforced whether or not any other law is being broken. This is true of our child safety restraint law, except that an unfortunate exception still exists in the law, allowing children under 18 to ride unbelted if all positions equipped with safety belts are occupied.

**Usage Rates:** In 1985, 32% of crash victims were wearing their belts.<sup>2</sup> This included everyone who was in a crash who was not a pedestrian or pedalcyclist – and included fender benders amounting to \$500 of damage or more. In 2004, the observational data shows New Mexico's safety belt usage rate was 90%.

New Mexico's law has always precluded evidence of belt non-use to mitigate damages or use as evidence of negligence.

**A word about shoulder belts:** As long as New Mexico has had a safety belt law, shoulder belts have been required for *front seat* occupants sitting next to windows, in vehicles<sup>3</sup> manufactured after 1968. In 2001, when the law changed to require all passengers (including back seat passengers) to wear belts, the effect of this law was to require that anyone in any outboard position must wear a shoulder belt and those in the middle must wear their lap belts. Some manufacturers are providing shoulder belts in the middle positions, but these are not currently required by federal law.

**Non-compliant vehicles:** Between 1968 and 1974, some manufacturers were making three point restraints with detachable shoulder belts; in 1974, Federal Standard 208 outlawed detachable three-point restraints. Some of these detachables may still exist, and probably comply with the law because they met the federal standard at the time they were manufactured. Convertibles were at one time exempted from providing three point restraints, but have been required to be compliant since 1991.

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<sup>1</sup> More information on these safety standards is available at the following website: <http://www.nhtsa.dot.gov/cars/rules/standards/safstan2.htm>

<sup>2</sup>The UNM Division of Government Research crash file, 1985

<sup>3</sup> The current law specifies that the safety belt law applies only to vehicles of 10,000 pounds or less; it exempts school buses, public transportation and rural letter carriers. People can obtain a safety belt waiver from a licensed physician for medical reasons.