

ASSEMBLY BILL NO. 120—ASSEMBLYMEN WILLIAMS,
LESLIE, ARBERRY AND BUCKLEY

FEBRUARY 13, 2003

Referred to Committee on Transportation

SUMMARY—Requires use of device to alert driver that child has been left within motor vehicle while secured in device for restraining child. (BDR 43-308)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to motor vehicles; requiring a person who is transporting in a motor vehicle a child of certain age and weight to use a system to alert the person that the child has been left within the vehicle while secured in a device for restraining a child; requiring the Department of Motor Vehicles to adopt regulations concerning such systems; providing a civil penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 484.474 is hereby amended to read as follows:
- 2 484.474 1. Except as otherwise provided in subsection 5, any
- 3 person who is transporting a child who is under 5 years of age and
- 4 who weighs less than 40 pounds in a motor vehicle operated in this
- 5 state which is equipped to carry passengers shall ~~secure him~~:
- 6 (a) *Secure the child* in a device for restraining a child which has
- 7 been approved by the United States Department of Transportation
- 8 ~~;~~; and
- 9 (b) *Use a system that consists of a combination of electrical*
- 10 *components and which is designed to sound an alarm in the event*
- 11 *that the person leaves the motor vehicle without removing the*



1 *child from the device described in paragraph (a). A system*
2 *described in this paragraph may be:*

3 (1) *Incorporated within or separate from the device*
4 *described in paragraph (a); and*

5 (2) *Based on any technology or design that complies with*
6 *the regulations adopted pursuant to subsection 6, including, but*
7 *not limited to, a mechanism which is configured to detect the*
8 *presence of a child in the device described in paragraph (a) and is*
9 *further configured:*

10 (I) *So as to sound an alarm at any time the child is*
11 *secured in the device but the motor of the vehicle is not running;*
12 *or*

13 (II) *So as not to sound an alarm unless the person*
14 *leaves the vehicle for a certain period of time or moves a certain*
15 *distance from the vehicle.*

16 2. A person who violates the provisions of *paragraph (a) or*
17 *(b) of subsection 1* shall be punished by a fine of not less than \$35
18 nor more than \$100 unless, within 14 days after the issuance of the
19 citation for such a violation, the person presents to the court
20 specified in the citation proof of his purchase of ~~such a restraining~~
21 ~~device.] the required device or system, as applicable.~~ Upon
22 presentation of such proof, the court shall void the citation.

23 3. For the purposes of NRS 483.473, a violation of *any*
24 *provision of* this section is not a moving traffic violation.

25 4. A violation of *any provision of* this section may not be
26 considered:

27 (a) Negligence in any civil action; or
28 (b) Negligence or reckless driving for the purposes of
29 NRS 484.377.

30 5. This section does not apply:

31 (a) To a person who is transporting a child in a means of public
32 transportation, including a taxi, school bus or emergency vehicle.

33 (b) When a physician determines that the use of ~~such~~ a
34 restraining device *described in paragraph (a) of subsection 1*
35 *would be impractical or dangerous* for the particular child ~~would~~
36 ~~be impractical or dangerous~~ because of such factors as the child's
37 weight, physical unfitness or medical condition. In this case, the
38 person transporting the child shall carry in the vehicle the signed
39 statement of the physician to that effect.

40 6. *The Department shall adopt regulations which prescribe*
41 *standards for the systems described in paragraph (b) of subsection*
42 *1. The regulations required to be adopted pursuant to this*
43 *subsection must:*

44 (a) *Comply with any applicable federal statutes and*
45 *regulations;*



1 ***(b) Insofar as they prescribe particular standards or approve***
2 ***particular products, be adopted to carry out the intent of requiring***
3 ***the use of systems described in paragraph (b) of subsection 1,***
4 ***which is reasonably to ensure that no child who is required to be***
5 ***secured in a device described in paragraph (a) of subsection 1 is***
6 ***left within a vehicle while secured in such a device after the***
7 ***person transporting the child leaves the vehicle; and***

8 ***(c) With respect to systems that are configured to sound an***
9 ***alarm on the basis of the time or distance, or both, that a person is***
10 ***away from the vehicle, set forth a reasonable time and distance, or***
11 ***ranges thereof, that the person may be away from the vehicle***
12 ***before the alarm sounds.***

13 **Sec. 2.** The Department of Motor Vehicles shall adopt the
14 regulations described in subsection 6 of section 1 of this act on or
15 before January 1, 2004.

16 **Sec. 3.** This act becomes effective on July 1, 2003, for the
17 purpose of the Department of Motor Vehicles adopting regulations
18 to carry out the provisions of section 1 of this act and on October 1,
19 2004, for all other purposes.

