
ASSEMBLY BILL NO. 161—COMMITTEE ON TRANSPORTATION

FEBRUARY 19, 2003

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to use of safety belts in motor vehicles. (BDR 43-117)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

~

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

AN ACT relating to motor vehicles; requiring that a passenger in a motor vehicle who is a child weighing 40 pounds or more be secured with a safety belt if a safety belt is available for the child's seating position; providing under certain circumstances that a vehicle may be halted and its driver cited for the primary offenses of the driver failing to wear a safety belt and of the driver failing to secure with a safety belt a passenger who is a child weighing 40 pounds or more; 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 484.641 is hereby amended to read as follows:
2 484.641 1. It is unlawful to drive a passenger car
3 manufactured after:
4 (a) January 1, 1968, on a highway unless it is equipped with at
5 least two lap-type safety belt assemblies for use in the front seating
6 positions.
7 (b) January 1, 1970, on a highway, unless it is equipped with a
8 lap-type safety belt assembly for each permanent seating position
9 for passengers. This requirement does not apply to the rear seats of
10 vehicles operated by a police department or sheriff's office.



* A B 1 6 1 *

1 (c) January 1, 1970, unless it is equipped with at least two
2 shoulder-harness-type safety belt assemblies for use in the front
3 seating positions.

4 2. Any person driving , *any adult passenger* and any *child*
5 passenger ~~[5 years of age or older]~~ *weighing 40 pounds or more*
6 who rides in the front or back seat of any vehicle described in
7 subsection 1, having an unladen weight of less than 6,000 pounds,
8 on any highway, road or street in this state shall wear a safety belt if
9 one is available for his seating position.

10 3. ~~[A]~~ *Except as otherwise provided in subsections 4 and 5, a*
11 citation must be issued to any driver or to any adult passenger who
12 fails to wear a safety belt as required by subsection 2.

13 4. If the passenger is a child ~~[5 years of age or older but under~~
14 ~~18 years.]~~ *weighing 40 pounds or more*, a citation must be issued to
15 the driver for his failure to require that child to wear the safety belt,
16 but if both the driver and that child are not wearing safety belts, only
17 one citation may be issued to the driver for both violations. ~~[A]~~

18 5. *If the provisions of subsection 2 are violated by the failure*
19 *of:*

20 (a) *A driver who is 18 years of age or older; or*

21 (b) *An adult passenger,*

22 *to wear a safety belt as required by that subsection, a* citation may
23 be issued pursuant to ~~[this]~~ subsection 3 only if the violation is
24 discovered when the vehicle is halted or its driver arrested for
25 another alleged violation or offense. *A citation must be issued for*
26 *any other violation of the provisions of subsection 2 whenever a*
27 *peace officer discovers the violation, regardless of whether the*
28 *vehicle is halted or its driver arrested for another alleged violation*
29 *or offense.*

30 6. Any person who ~~[violates]~~ *is cited for a violation of* the
31 provisions of subsection 2 shall be punished by a fine of not more
32 than \$25 or by a sentence to perform a certain number of hours of
33 community service.

34 ~~[4.]~~ 7. A violation of subsection 2:

35 (a) Is not a moving traffic violation under NRS 483.473.

36 (b) May not be considered as negligence or as causation in any
37 civil action or as negligent or reckless driving under NRS 484.377.

38 (c) May not be considered as misuse or abuse of a product or as
39 causation in any action brought to recover damages for injury to a
40 person or property resulting from the manufacture, distribution, sale
41 or use of a product.

42 ~~[5.]~~ 8. The Department shall exempt those types of motor
43 vehicles or seating positions from the requirements of subsection 1
44 when compliance would be impractical.



1 ~~[6-]~~ 9. The provisions of subsections 2 , ~~[and]~~ 3 *and 4 that*
2 *require the use of safety belts* do not apply:
3 (a) To a driver or passenger who possesses a written statement
4 by a physician certifying that he is unable to wear a safety belt for
5 medical or physical reasons;
6 (b) If the vehicle is not required by federal law to be equipped
7 with safety belts;
8 (c) To an employee of the United States Postal Service while
9 delivering mail in the rural areas of this state;
10 (d) If the vehicle is stopping frequently, the speed of that vehicle
11 does not exceed 15 miles per hour between stops and the driver or
12 passenger is frequently leaving the vehicle or delivering property
13 from the vehicle; or
14 (e) To a passenger riding in a means of public transportation,
15 including a taxi, school bus or emergency vehicle.
16 ~~[7-]~~ 10. It is unlawful for any person to distribute, have for sale,
17 offer for sale or sell any safety belt or shoulder harness assembly for
18 use in a motor vehicle unless it meets current minimum standards
19 and specifications of the United States Department of
20 Transportation.
21 *11. As used in this section, "child" means a person who is*
22 *less than 18 years of age.*

