

SENATE BILL NO. 116—SENATORS NOLAN AND WIENER

FEBRUARY 13, 2003

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JOINT SPONSORS: ASSEMBLYWOMEN LESLIE
AND CHOWNING
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Referred to Committee on Transportation

SUMMARY—Revises provisions relating to use of equipment to secure children traveling in certain motor vehicles. (BDR 43-87)

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

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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 that a child who is less than 9 years of age and who weighs 80 pounds or less be secured in a child restraint system when traveling in certain motor vehicles; requiring that such a system be properly installed within and attached to the motor vehicle; revising the provisions relating to the imposition of a fine or a requirement to perform community service for failing to secure a child in a child restraint system; revising provisions relating to the wearing of safety belts to require that each child who is not required to be secured in a child restraint system be secured with a safety belt; 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~~ *less than 9* years
4 of age and who weighs *80 pounds or* less ~~than 40 pounds~~ in a



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1 motor vehicle operated in this state which is equipped to carry
2 passengers shall secure ~~him~~ *the child* in a ~~device for restraining a~~
3 child *restraint system* which ~~has~~ :

4 (a) *Has* been approved by the United States Department of
5 Transportation ~~in accordance with the Federal Motor Vehicle~~
6 *Safety Standards set forth in 49 C.F.R. Part 571;*

7 (b) *Is appropriate for the size and weight of the child; and*

8 (c) *Is installed within and attached safely and securely to the*
9 *motor vehicle:*

10 (1) *In accordance with the instructions for installation and*
11 *attachment provided by the manufacturer of the child restraint*
12 *system; or*

13 (2) *In another manner that is approved by the National*
14 *Highway Traffic Safety Administration.*

15 2. A person who violates the provisions of subsection 1 shall
16 be :

17 (a) *Required to complete a program of training conducted by a*
18 *person or agency approved by the court in the installation and use*
19 *of child restraint systems; and*

20 (b) *Except as otherwise provided in this paragraph,* punished
21 by a fine of not less than ~~[\$35]~~ \$50 nor more than ~~[\$100 unless,~~
22 ~~within 14 days after the issuance of the citation for such a violation,~~
23 ~~the person presents to the court specified in the citation proof of his~~
24 ~~purchase of such a restraining device. Upon presentation of such~~
25 ~~proof, the court shall void the citation.]~~ \$500, *or required to*
26 *perform not less than 8 hours nor more than 50 hours of*
27 *community service. The court may waive any amount of the fine in*
28 *excess of \$50 or any amount of the community service in excess of*
29 *8 hours if a person or agency approved by the court certifies that*
30 *the violator has:*

31 (1) *Completed the program of training required by*
32 *paragraph (a); and*

33 (2) *Presented for inspection by the person or agency an*
34 *installed child restraint system that satisfies the provisions of*
35 *subsection 1.*

36 *The court shall make available a list of persons and agencies*
37 *approved by the court to conduct programs of training and*
38 *perform inspections of child restraint systems.*

39 3. For the purposes of NRS 483.473, a violation of this section
40 is not a moving traffic violation.

41 4. A violation of this section may not be considered:

42 (a) Negligence in any civil action; or

43 (b) Negligence or reckless driving for the purposes of
44 NRS 484.377.

45 5. This section does not apply:



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

3 (b) When a physician determines that the use of such a
4 ~~[restraining device]~~ *child restraint system* for the particular child
5 would be impractical or dangerous because of such factors as the
6 child's weight, physical unfitness or medical condition. In this case,
7 the person transporting the child shall carry in the vehicle the signed
8 statement of the physician to that effect.

9 **6. As used in this section, "child restraint system" means any**
10 **device except safety belts that is designed for use in a motor**
11 **vehicle to restrain, seat or position children. The term includes,**
12 **without limitation, booster seats and belt-positioning seats that are**
13 **designed to elevate a child so as to allow the child to be secured**
14 **with a safety belt.**

15 **Sec. 2.** NRS 484.641 is hereby amended to read as follows:
16 484.641 1. It is unlawful to drive a passenger car
17 manufactured after:

18 (a) January 1, 1968, on a highway unless it is equipped with at
19 least two lap-type safety belt assemblies for use in the front seating
20 positions.

21 (b) January 1, 1970, on a highway, unless it is equipped with a
22 lap-type safety belt assembly for each permanent seating position
23 for passengers. This requirement does not apply to the rear seats of
24 vehicles operated by a police department or sheriff's office.

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

28 2. Any person driving , and any passenger ~~[S]~~ **who:**

29 (a) **Is 9** years of age or older ; **or**

30 (b) **Weighs more than 80 pounds, regardless of age,**
31 **who rides in the front or back seat of any vehicle described in**
32 **subsection 1, having an unladen weight of less than ~~[6,000]~~ 10,000**
33 **pounds, on any highway, road or street in this state shall wear a**
34 **safety belt if one is available for his seating position.**

35 3. A citation must be issued to any driver or to any adult
36 passenger who fails to wear a safety belt as required by
37 subsection 2. If the passenger is a child ~~[S]~~ **who:**

38 (a) **Is 9** years of age or older but ~~[under]~~ **less than 18 years ~~[S]~~ of**
39 **age, regardless of weight; or**

40 (b) **Is less than 9 years of age but who weighs more than 80**
41 **pounds,**

42 a citation must be issued to the driver for his failure to require that
43 child to wear the safety belt, but if both the driver and that child are
44 not wearing safety belts, only one citation may be issued to the
45 driver for both violations. A citation may be issued pursuant to this



1 subsection only if the violation is discovered when the vehicle is
2 halted or its driver arrested for another alleged violation or offense.
3 Any person who violates the provisions of subsection 2 shall be
4 punished by a fine of not more than \$25 or by a sentence to perform
5 a certain number of hours of community service.

6 4. A violation of subsection 2:

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

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

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

14 5. The Department shall exempt those types of motor vehicles
15 or seating positions from the requirements of subsection 1 when
16 compliance would be impractical.

17 6. The provisions of subsections 2 and 3 do not apply:

18 (a) To a driver or passenger who possesses a written statement
19 by a physician certifying that he is unable to wear a safety belt for
20 medical or physical reasons;

21 (b) If the vehicle is not required by federal law to be equipped
22 with safety belts;

23 (c) To an employee of the United States Postal Service while
24 delivering mail in the rural areas of this state;

25 (d) If the vehicle is stopping frequently, the speed of that vehicle
26 does not exceed 15 miles per hour between stops and the driver or
27 passenger is frequently leaving the vehicle or delivering property
28 from the vehicle; or

29 (e) To a passenger riding in a means of public transportation,
30 including a taxi, school bus or emergency vehicle.

31 7. It is unlawful for any person to distribute, have for sale,
32 offer for sale or sell any safety belt or shoulder harness assembly for
33 use in a motor vehicle unless it meets current minimum standards
34 and specifications of the United States Department of
35 Transportation.

36 **Sec. 3.** This act becomes effective on June 1, 2004.

