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FIRST REPRINT

A.B. 118

ASSEMBLY BILL NO. 118—ASSEMBLYMEN BILBRAY-AXELROD;
ANDERSON, CONSIDINE, DURAN, GONZÁLEZ, GORELOW,
KRASNER, MARTINEZ, MARZOLA, ORENTLICHER,
SUMMERS-ARMSTRONG AND THOMAS

FEBRUARY 11, 2021

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to the transportation of
children in motor vehicles. (BDR 43-209)

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; revising provisions relating to
the transportation of children in motor vehicles; and
providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law generally requires a person transporting a child who is less than 6
2 years of age and who weighs 60 pounds or less in a motor vehicle to secure the
3 child in a child restraint system that meets certain requirements. (NRS 484B.157)
4 Existing law also generally requires any other person in a motor vehicle to wear a
5 safety belt while the motor vehicle is being driven. (NRS 484D.495) **Section 2** of
6 this bill: (1) increases the age requirement at which a child is required to be secured
7 in a child restraint system from less than 6 years of age to less than 8 years of age;
8 (2) removes the weight requirement; (3) adds the requirement that the child be less
9 than 57 inches tall; and (4) adds the requirement that a child less than 2 years of age
10 generally be secured in a rear-facing child restraint system in the back seat of the
11 motor vehicle. Additionally, **section 2** provides that if the child is at least 8 years of
12 age but less than 13 years of age, then the child must be secured in a safety belt in
13 the back seat unless the air bag on the passenger’s side of the front seat, if any, is
14 deactivated and: (1) special health care needs of the child require the child to ride in
15 the front seat and a written statement signed by a physician certifying the
16 requirement is carried in the motor vehicle; (2) all back seats are in use by other
17 children who are less than 13 years of age; or (3) the motor vehicle is not equipped
18 with back seats.

19 Existing law requires a citation to be issued to: (1) any driver or adult passenger
20 who fails to wear a safety belt; or (2) any driver who fails to require a child to wear
21 a safety belt if the child is not required to be secured in a child restraint system.
22 However, under existing law, such violations are not primary offenses, which
23 means that a citation for such violations may only be issued if the violations are



24 discovered when the vehicle is halted or the driver arrested for another alleged
25 violation or offense. (NRS 484D.495) **Section 3** of this bill provides that: (1) it
26 remains a secondary offense, not a primary offense, for a driver or an adult
27 passenger to fail to wear a safety belt himself or herself, but it is a primary offense
28 for a driver to fail to require a child to wear a safety belt if the child is required by
29 law to wear a safety belt; and (2) if the driver of the motor vehicle is not the parent
30 or guardian of the child who is not wearing a safety belt, then the parent or guardian
31 of the child must also be cited if the parent or guardian is a passenger in the motor
32 vehicle.

33 Existing law requires a short-term lessor who offers or provides a waiver of
34 damages to disclose certain information, including the existing law of this State
35 relating to the use of safety belts. (NRS 482.3156) **Section 1** of this bill makes
36 conforming changes to that disclosure to reflect the changes made in this bill.

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

1 **Section 1.** NRS 482.3156 is hereby amended to read as
2 follows:

3 482.3156 A short-term lessor who offers or provides a waiver
4 of damages for any consideration in addition to the rate for lease of
5 a passenger car shall clearly and conspicuously disclose the
6 following information in the lease or a holder in which the lease is
7 placed and on a sign posted at the place where the lessee signs the
8 lease:

9 1. The nature and extent of the short-term lessee's liability.

10 2. A statement that the short-term lessee's personal insurance
11 policy may provide coverage for all or a portion of the lessee's
12 potential liability.

13 3. A statement that the short-term lessee should consult with
14 his or her insurer to determine the scope of insurance coverage.

15 4. A statement that the short-term lessee may purchase an
16 optional waiver of damages to cover all liability subject to any
17 exception that the short-term lessor includes and that is permitted by
18 NRS 482.31555.

19 5. The charge for the waiver of damages.

20 6. A statement that Nevada law requires ~~[any]~~, *with certain*
21 *exceptions:*

22 (a) *Any* driver of a passenger car and any passenger ~~[5]~~ *13* years
23 of age or older who rides in the front or back seat of a passenger car
24 to wear a safety belt if one is available for that seating position ~~[1]~~ ;

25 (b) *Any passenger who is 8 years of age or older but less than*
26 *13 years of age to be secured by a safety belt in the manner set*
27 *forth in subsection 2 of NRS 484B.157;*

28 (c) *Any passenger who is less than 8 years of age and less than*
29 *57 inches tall to be secured in a child restraint system described in*
30 *paragraph (a) of subsection 1 of NRS 484B.157; and*



1 *(d) Any passenger who is less than 2 years of age to be secured*
2 *in a rear-facing child restraint system in the back seat of the*
3 *motor vehicle pursuant to paragraph (b) of subsection 1 of*
4 *NRS 484B.157.*

5 **Sec. 2.** NRS 484B.157 is hereby amended to read as follows:

6 484B.157 1. Except as otherwise provided in subsection ~~[7,]~~
7 **8**, any person who is transporting ~~[a]~~ :

8 *(a) A child who is less than ~~[6]~~ 8 years of age and ~~[who weighs~~
9 ~~60 pounds or]~~ less than **57 inches tall** in a motor vehicle operated in
10 this State which is equipped to carry passengers shall secure the
11 child in a child restraint system which:*

12 ~~[(a)]~~ **(I)** Has been approved by the United States Department of
13 Transportation in accordance with the Federal Motor Vehicle Safety
14 Standards set forth in 49 C.F.R. Part 571;

15 ~~[(b)]~~ **(2)** Is appropriate for the size and weight of the child; and

16 ~~[(e)]~~ **(3)** Is installed within and attached safely and securely to
17 the motor vehicle:

18 ~~[(+)]~~ **(I)** In accordance with the instructions for installation
19 and attachment provided by the manufacturer of the child restraint
20 system; or

21 ~~[(2)]~~ **(II)** In another manner that is approved by the National
22 Highway Traffic Safety Administration.

23 *(b) A child who is less than 2 years of age in a motor vehicle*
24 *operated in this State which is equipped to carry passengers shall*
25 *secure the child in a rear-facing child restraint system in the back*
26 *seat of the motor vehicle in accordance with subparagraphs (1),*
27 *(2) and (3) of paragraph (a) unless the child is secured in a rear-*
28 *facing child restraint system on the passenger side of the front seat*
29 *in accordance with subparagraphs (1), (2) and (3) of paragraph*
30 *(a), the air bag on the passenger's side of the front seat, if any, is*
31 *deactivated and:*

32 *(1) Special health care needs of the child require the child*
33 *to ride in the front seat of the motor vehicle and a written*
34 *statement signed by a physician certifying the requirement is*
35 *carried in the motor vehicle;*

36 *(2) All back seats in the motor vehicle are in use by other*
37 *children who are less than 2 years of age; or*

38 *(3) The motor vehicle is not equipped with back seats.*

39 **2.** *Except as otherwise provided in subsection 8, any person*
40 *who is transporting a child who is not required to be secured in a*
41 *child restraint system pursuant to subsection 1 and who is less*
42 *than 13 years of age in a motor vehicle operated in this State*
43 *which is equipped to carry passengers shall secure the child in a*
44 *safety belt in the back seat of the motor vehicle unless the air bag*
45 *on the passenger's side of the front seat, if any, is deactivated and:*



1 (a) *Special health care needs of the child require the child to*
2 *ride in the front seat of the motor vehicle and a written statement*
3 *signed by a physician certifying the requirement is carried in the*
4 *motor vehicle;*

5 (b) *All back seats in the motor vehicle are in use by other*
6 *children who are less than 13 years of age; or*

7 (c) *The motor vehicle is not equipped with back seats.*

8 3. If a defendant pleads or is found guilty of violating the
9 provisions of subsection 1 ~~F~~ or 2, the court shall:

10 (a) For a first offense, order the defendant to pay a fine of not
11 less than \$100 or more than \$500 or order the defendant to perform
12 not less than 10 hours or more than 50 hours of community service;

13 (b) For a second offense, order the defendant to pay a fine of not
14 less than \$500 or more than \$1,000 or order the defendant to
15 perform not less than 50 hours or more than 100 hours of
16 community service; and

17 (c) For a third or subsequent offense, suspend the driver's
18 license of the defendant for not less than 30 days or more than 180
19 days.

20 ~~F3~~ 4. At the time of sentencing, the court shall provide the
21 defendant with a list of persons and agencies approved by the
22 Department of Public Safety to conduct programs of training and
23 perform inspections of child restraint systems. The list must include,
24 without limitation, an indication of the fee, if any, established by the
25 person or agency pursuant to subsection ~~F4~~ 5. If, within 60 days
26 after sentencing, a defendant provides the court with proof of
27 satisfactory completion of a program of training provided for in this
28 subsection, the court shall:

29 (a) If the defendant was sentenced pursuant to paragraph (a) of
30 subsection ~~F2~~ 3, waive the fine or community service previously
31 imposed; or

32 (b) If the defendant was sentenced pursuant to paragraph (b) of
33 subsection ~~F2~~ 3, reduce by one-half the fine or community service
34 previously imposed.

35 ↪ A defendant is only eligible for a reduction of a fine or
36 community service pursuant to paragraph (b) if the defendant
37 has not had a fine or community service waived pursuant to
38 paragraph (a).

39 ~~F4~~ 5. A person or agency approved by the Department of
40 Public Safety to conduct programs of training and perform
41 inspections of child restraint systems may, in cooperation with the
42 Department, establish a fee to be paid by defendants who are
43 ordered to complete a program of training. The amount of the fee, if
44 any:

45 (a) Must be reasonable; and



1 (b) May, if a defendant desires to acquire a child restraint
2 system from such a person or agency, include the cost of a child
3 restraint system provided by the person or agency to the defendant.

4 ↪ A program of training may not be operated for profit.

5 ~~5.]~~ 6. For the purposes of NRS 483.473, a violation of this
6 section is not a moving traffic violation.

7 ~~6.]~~ 7. A violation of this section may not be considered:

8 (a) Negligence in any civil action; or

9 (b) Negligence or reckless driving for the purposes of
10 NRS 484B.653.

11 ~~7.]~~ 8. This section does not apply:

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

14 (b) When a physician or an advanced practice registered nurse
15 determines that the use of such a child restraint system for the
16 particular child would be impractical or dangerous because of such
17 factors as the child's weight, physical unfitness or medical
18 condition. In this case, the person transporting the child shall carry
19 in the vehicle the signed statement of the physician or advanced
20 practice registered nurse to that effect.

21 ~~8.]~~ 9. As used in this section, "child restraint system" means
22 any device that is designed for use in a motor vehicle to restrain,
23 seat or position children. The term includes, without limitation:

24 (a) Booster seats and belt-positioning seats that are designed to
25 elevate or otherwise position a child so as to allow the child to be
26 secured with a safety belt;

27 (b) Integrated child seats; and

28 (c) Safety belts that are designed specifically to be adjusted to
29 accommodate children.

30 **Sec. 3.** NRS 484D.495 is hereby amended to read as follows:

31 484D.495 1. It is unlawful to drive a passenger car
32 manufactured after:

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

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

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

43 2. Any person driving, and any passenger who:

44 (a) Is ~~6.]~~ 8 years of age or older; or



1 (b) ~~{Weighs more than 60 pounds,}~~ *Is 57 inches tall or more,*
2 regardless of age,

3 ↪ who rides in the front or back seat of any vehicle described in
4 subsection 1, having an unladen weight of less than 10,000 pounds,
5 on any highway, road or street in this State shall wear a safety belt if
6 one is available for the seating position of the person or passenger.

7 3. A citation must be issued to any driver or to any adult
8 passenger who fails to wear a safety belt as required by subsection
9 2. *A citation may be issued pursuant to this subsection only if the*
10 *violation is discovered when the vehicle is halted or its driver*
11 *arrested for another alleged violation or offense.*

12 4. If the passenger *who fails to wear a safety belt as required*
13 *by subsection 2* is a child who:

14 (a) Is ~~{6}~~ 8 years of age or older but less than 18 years of age,
15 regardless of ~~{weight,}~~ *height;* or

16 (b) Is less than ~~{6}~~ 8 years of age but ~~{who weighs more than 60~~
17 ~~pounds,}~~ *is 57 inches tall or more,*

18 ↪ a citation must be issued to the driver for failing to require that
19 child to wear the safety belt ~~{, but if both the driver and that child~~
20 ~~are not wearing safety belts, only one citation may be issued to the~~
21 ~~driver for both violations. A citation may be issued pursuant to this~~
22 ~~subsection only if the violation is discovered when the vehicle is~~
23 ~~halted or its driver arrested for another alleged violation or offense.}~~
24 *and, if the driver is not the parent or guardian of the child, to the*
25 *parent or guardian of the child if the parent or guardian is a*
26 *passenger.*

27 5. Any person who violates the provisions of subsection 2 shall
28 be punished by a fine of not more than \$25 or by a sentence to
29 perform a certain number of hours of community service.

30 ~~{4.}~~ 6. A violation of subsection 2:

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

32 (b) May not be considered as negligence or as causation in any
33 civil action or as negligent or reckless driving under NRS 484B.653.

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

38 ~~{5.}~~ 7. The Department shall exempt those types of motor
39 vehicles or seating positions from the requirements of subsection 1
40 when compliance would be impractical.

41 ~~{6.}~~ 8. The provisions of subsections 2 ~~{and 3}~~ *to 5, inclusive,*
42 *do not apply:*

43 (a) To a driver or passenger who possesses a written statement
44 by a physician or an advanced practice registered nurse certifying



1 that the driver or passenger is unable to wear a safety belt for
2 medical or physical reasons;

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

5 (c) To an employee of the United States Postal Service while
6 delivering mail in the rural areas of this State;

7 (d) If the vehicle is stopping frequently, the speed of that vehicle
8 does not exceed 15 miles per hour between stops and the driver or
9 passenger is frequently leaving the vehicle or delivering property
10 from the vehicle; or

11 (e) Except as otherwise provided in NRS 484D.500, to a
12 passenger riding in a means of public transportation, including a
13 school bus or emergency vehicle.

14 ~~7.1~~ 9. It is unlawful for any person to distribute, have for sale,
15 offer for sale or sell any safety belt or shoulder harness assembly for
16 use in a motor vehicle unless it meets current minimum standards
17 and specifications of the United States Department of
18 Transportation.

19 **Sec. 4.** This act becomes effective on January 1, 2022.

