

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) removes the weight requirement for a child who is less than 6 years of  
7 age; (2) adds the requirement that the child be less than 57 inches tall; and (3) adds  
8 the requirement that a child less than 2 years of age generally be secured in a rear-  
9 facing child restraint system in the back seat of the motor vehicle. **Section 2** also  
10 authorizes the Department of Public Safety to accept gifts, grants and donations  
11 from any source for the purpose of purchase or donation of child restraint systems  
12 for persons who are in financial need.

13 Existing law requires a citation to be issued to: (1) any driver or adult passenger  
14 who fails to wear a safety belt; or (2) any driver who fails to require a child to wear  
15 a safety belt if the child is not required to be secured in a child restraint system.  
16 (NRS 484D.495) **Section 3** of this bill makes conforming changes to the  
17 requirements relating to the use of safety belts and child restraint systems to reflect  
18 the changes made in **section 2**.

19 Existing law requires a short-term lessor who offers or provides a waiver of  
20 damages to disclose certain information, including the existing law of this State  
21 relating to the use of safety belts. (NRS 482.3156) **Section 1** of this bill makes  
22 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]~~ 6 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 ~~[ ]~~ ;  
25 *and*

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

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

31 484B.157 1. Except as otherwise provided in subsection 7,  
32 any person who is transporting ~~[a]~~ :

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

37 ~~[(a)]~~ (1) Has been approved by the United States Department of  
38 Transportation in accordance with the Federal Motor Vehicle Safety  
39 Standards set forth in 49 C.F.R. Part 571;

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

41 ~~[(c)]~~ (3) Is installed within and attached safely and securely to  
42 the motor vehicle:



1 ~~(1)~~ (I) In accordance with the instructions for installation  
2 and attachment provided by the manufacturer of the child restraint  
3 system; or

4 ~~(2)~~ (II) In another manner that is approved by the National  
5 Highway Traffic Safety Administration.

6 (b) *A child who is less than 2 years of age in a motor vehicle*  
7 *operated in this State which is equipped to carry passengers shall*  
8 *secure the child in a rear-facing child restraint system in the back*  
9 *seat of the motor vehicle in accordance with subparagraphs (1),*  
10 *(2) and (3) of paragraph (a) unless the child is secured in a rear-*  
11 *facing child restraint system on the passenger side of the front seat*  
12 *in accordance with subparagraphs (1), (2) and (3) of paragraph*  
13 *(a), the air bag on the passenger's side of the front seat, if any, is*  
14 *deactivated and:*

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

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

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

22 2. If a defendant pleads or is found guilty of violating the  
23 provisions of subsection 1, the court shall:

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

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

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

34 3. At the time of sentencing, the court shall provide the  
35 defendant with a list of persons and agencies approved by the  
36 Department of Public Safety to conduct programs of training and  
37 perform inspections of child restraint systems. The list must include,  
38 without limitation, an indication of the fee, if any, established by the  
39 person or agency pursuant to subsection 4. If, within 60 days after  
40 sentencing, a defendant provides the court with proof of satisfactory  
41 completion of a program of training provided for in this subsection,  
42 the court shall:

43 (a) If the defendant was sentenced pursuant to paragraph (a) of  
44 subsection 2, waive the fine or community service previously  
45 imposed; or



1 (b) If the defendant was sentenced pursuant to paragraph (b) of  
2 subsection 2, reduce by one-half the fine or community service  
3 previously imposed.

4 ↪ A defendant is only eligible for a reduction of a fine or  
5 community service pursuant to paragraph (b) if the defendant  
6 has not had a fine or community service waived pursuant to  
7 paragraph (a).

8 4. A person or agency approved by the Department of Public  
9 Safety to conduct programs of training and perform inspections of  
10 child restraint systems may, in cooperation with the Department,  
11 establish a fee to be paid by defendants who are ordered to complete  
12 a program of training. The amount of the fee, if any:

13 (a) Must be reasonable; and

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

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

18 5. For the purposes of NRS 483.473, a violation of this section  
19 is not a moving traffic violation.

20 6. A violation of this section may not be considered:

21 (a) Negligence in any civil action; or

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

24 7. This section does not apply:

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

27 (b) When a physician or an advanced practice registered nurse  
28 determines that the use of such a child restraint system for the  
29 particular child would be impractical or dangerous because of such  
30 factors as the child's weight, physical unfitness or medical  
31 condition. In this case, the person transporting the child shall carry  
32 in the vehicle the signed statement of the physician or advanced  
33 practice registered nurse to that effect.

34 8. *The Department of Public Safety may accept gifts, grants*  
35 *and donations from any source for the purpose of the purchase or*  
36 *donation of child restraint systems for persons who are in*  
37 *financial need.*

38 9. As used in this section, "child restraint system" means any  
39 device that is designed for use in a motor vehicle to restrain, seat or  
40 position children. The term includes, without limitation:

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

44 (b) Integrated child seats; and



1 (c) Safety belts that are designed specifically to be adjusted to  
2 accommodate children.

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

4 484D.495 1. It is unlawful to drive a passenger car  
5 manufactured after:

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

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

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

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

17 (a) Is 6 years of age or older; or

18 (b) ~~[Weighs more than 60 pounds,]~~ *Is 57 inches tall or more,*  
19 regardless of age,

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

24 3. A citation must be issued to any driver or to any adult  
25 passenger who fails to wear a safety belt as required by subsection  
26 2. If the passenger is a child who:

27 (a) Is 6 years of age or older but less than 18 years of age,  
28 regardless of ~~[weight;]~~ *height;* or

29 (b) Is less than 6 years of age but ~~[who weighs more than 60~~  
30 ~~pounds,]~~ *is 57 inches tall or more,*

31 ↪ a citation must be issued to the driver for failing to require that  
32 child to wear the safety belt, but if both the driver and that child are  
33 not wearing safety belts, only one citation may be issued to the  
34 driver for both violations. A citation may be issued pursuant to this  
35 subsection only if the violation is discovered when the vehicle is  
36 halted or its driver arrested for another alleged violation or offense.  
37 Any person who violates the provisions of subsection 2 shall be  
38 punished by a fine of not more than \$25 or by a sentence to perform  
39 a certain number of hours of community service.

40 4. A violation of subsection 2:

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

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

44 (c) May not be considered as misuse or abuse of a product or as  
45 causation in any action brought to recover damages for injury to a



1 person or property resulting from the manufacture, distribution, sale  
2 or use of a product.

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

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

7 (a) To a driver or passenger who possesses a written statement  
8 by a physician or an advanced practice registered nurse certifying  
9 that the driver or passenger is unable to wear a safety belt for  
10 medical or physical reasons;

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

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

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

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

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

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

