

Amendment No. 462

Assembly Amendment to Assembly Bill No. 118 First Reprint (BDR 43-209)
<b>Proposed by:</b> Assemblywoman Bilbray-Axelrod
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

JDK/BAW



Date: 4/19/2021

A.B. No. 118—Revises provisions relating to the transportation of children in motor vehicles. (BDR 43-209)





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:**

Existing law generally requires a person transporting a child who is less than 6 years of age and who weighs 60 pounds or less in a motor vehicle to secure the child in a child restraint system that meets certain requirements. (NRS 484B.157) Existing law also generally requires any other person in a motor vehicle to wear a safety belt while the motor vehicle is being driven. (NRS 484D.495) **Section 2** of this bill: (1) ~~increases the age requirement at which a child is required to be secured in a child restraint system from less than 6 years of age to less than 8 years of age;~~ (2) ~~removes the weight requirement [ (3) ] for a child who is less than 6 years of age;~~ (2) adds the requirement that the child be less than 57 inches tall; and ~~[(4)]~~ (3) adds the requirement that a child less than 2 years of age generally be secured in a rear-facing child restraint system in the back seat of the motor vehicle. ~~[Additionally, section 2 provides that if the child is at least 8 years of age but less than 13 years of age, then the child must be secured in a safety belt in the back seat unless the air bag on the passenger’s side of the front seat, if any, is deactivated and: (1) special health care needs of the child require the child to ride in the front seat and a written statement signed by a physician certifying the requirement is carried in the motor vehicle; (2) all back seats are in use by other children who are less than 13 years of age; or (3) the motor vehicle is not equipped with back seats.]~~ **Section 2 also authorizes the Department of Public Safety to accept gifts, grants and donations from any source for the purpose of purchase or donation of child restraint systems for persons who are in financial need.**

Existing law requires a citation to be issued to: (1) any driver or adult passenger who fails to wear a safety belt; or (2) any driver who fails to require a child to wear a safety belt if the child is not required to be secured in a child restraint system. ~~[However, under existing law, such violations are not primary offenses, which means that a citation for such violations may only be issued if the violations are discovered when the vehicle is halted or the driver arrested for another alleged violation or offense.]~~ (NRS 484D.495) **Section 3** of this bill ~~provides that~~ (1) ~~it remains a secondary offense, not a primary offense, for a driver or an adult passenger to fail to wear a safety belt himself or herself, but it is a primary offense for a driver to fail to require a child to wear a safety belt if the child is required by law to wear a safety belt; and (2) if the driver of the motor vehicle is not the parent or guardian of the child who is not wearing~~

~~a safety belt, then the parent or guardian of the child must also be cited if the parent or guardian is a passenger in the motor vehicle.]~~ **makes conforming changes to the requirements relating to the use of safety belts and child restraint systems to reflect the changes made in section 2.**

Existing law requires a short-term lessor who offers or provides a waiver of damages to disclose certain information, including the existing law of this State relating to the use of safety belts. (NRS 482.3156) **Section 1** of this bill makes 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:

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

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

1. The nature and extent of the short-term lessee’s liability.
2. A statement that the short-term lessee’s personal insurance policy may provide coverage for all or a portion of the lessee’s potential liability.
3. A statement that the short-term lessee should consult with his or her insurer to determine the scope of insurance coverage.
4. A statement that the short-term lessee may purchase an optional waiver of damages to cover all liability subject to any exception that the short-term lessor includes and that is permitted by NRS 482.31555.
5. The charge for the waiver of damages.
6. A statement that Nevada law requires ~~any~~, *with certain exceptions:*

(a) Any driver of a passenger car and any passenger ~~5-13~~ **6** years of age or older who rides in the front or back seat of a passenger car to wear a safety belt if one is available for that seating position ~~is~~; **and**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 ~~(a) Special health care needs of the child require the child to ride in the front  
25 seat of the motor vehicle and a written statement signed by a physician certifying  
26 the requirement is carried in the motor vehicle;~~

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

29 ~~(c) The motor vehicle is not equipped with back seats.~~

30 ~~3.1~~ If a defendant pleads or is found guilty of violating the provisions of  
31 subsection 1 ~~or 2,~~ the court shall:

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

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

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

40 ~~3.14.~~ At the time of sentencing, the court shall provide the defendant with a  
41 list of persons and agencies approved by the Department of Public Safety to  
42 conduct programs of training and perform inspections of child restraint systems.  
43 The list must include, without limitation, an indication of the fee, if any, established  
44 by the person or agency pursuant to subsection ~~4.15.~~ If, within 60 days after  
45 sentencing, a defendant provides the court with proof of satisfactory completion of  
46 a program of training provided for in this subsection, the court shall:

47 (a) If the defendant was sentenced pursuant to paragraph (a) of subsection ~~2.~~  
48 ~~3.1~~ waive the fine or community service previously imposed; or

49 (b) If the defendant was sentenced pursuant to paragraph (b) of subsection ~~2.~~  
50 ~~3.1~~ reduce by one-half the fine or community service previously imposed.

51 ~~3.1~~ A defendant is only eligible for a reduction of a fine or community service  
52 pursuant to paragraph (b) if the defendant has not had a fine or community service  
53 waived pursuant to paragraph (a).

1 ~~4. 57~~ A person or agency approved by the Department of Public Safety to  
2 conduct programs of training and perform inspections of child restraint systems  
3 may, in cooperation with the Department, establish a fee to be paid by defendants  
4 who are ordered to complete a program of training. The amount of the fee, if any:

- 5 (a) Must be reasonable; and
- 6 (b) May, if a defendant desires to acquire a child restraint system from such a  
7 person or agency, include the cost of a child restraint system provided by the person  
8 or agency to the defendant.

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

10 ~~5. 67~~ For the purposes of NRS 483.473, a violation of this section is not a  
11 moving traffic violation.

12 ~~6. 77~~ A violation of this section may not be considered:

- 13 (a) Negligence in any civil action; or
- 14 (b) Negligence or reckless driving for the purposes of NRS 484B.653.

15 ~~7. 87~~ This section does not apply:

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

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

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

27 ~~8.1.9.~~ As used in this section, "child restraint system" means any device that  
28 is designed for use in a motor vehicle to restrain, seat or position children. The term  
29 includes, without limitation:

- 30 (a) Booster seats and belt-positioning seats that are designed to elevate or  
31 otherwise position a child so as to allow the child to be secured with a safety belt;
- 32 (b) Integrated child seats; and
- 33 (c) Safety belts that are designed specifically to be adjusted to accommodate  
34 children.

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

36 484D.495 1. It is unlawful to drive a passenger car manufactured after:

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

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

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

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

46 (a) Is ~~6 87~~ years of age or older; or

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

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

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

5           ~~4.]~~ If the passenger ~~[who fails to wear a safety belt as required by subsection~~  
6 ~~2.]~~ is a child who:

7           (a) Is ~~6~~ ~~[8.]~~ years of age or older but less than 18 years of age, regardless of  
8 ~~[weight;] height;~~ or

9           (b) Is less than ~~6~~ ~~[8.]~~ years of age but ~~[who weighs more than 60 pounds,] is 57~~  
10 ~~inches tall or more,~~

11           ~~↪ a citation must be issued to the driver for failing to require that child to wear the~~  
12 ~~safety belt~~ , but if both the driver and that child are not wearing safety belts, only  
13 one citation may be issued to the driver for both violations. A citation may be  
14 issued pursuant to this subsection only if the violation is discovered when the  
15 vehicle is halted or its driver arrested for another alleged violation or offense. ~~and,~~  
16 if the driver is not the parent or guardian of the child, to the parent or guardian  
17 of the child if the parent or guardian is a passenger.

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

21           ~~4. [6.]~~ A violation of subsection 2:

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

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

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

28           ~~5. [7.]~~ The Department shall exempt those types of motor vehicles or seating  
29 positions from the requirements of subsection 1 when compliance would be  
30 impractical.

31           ~~6. [8.]~~ The provisions of subsections 2 and 3 [to 5, inclusive,] do not apply:

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

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

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

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

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

44           ~~7. [9.]~~ It is unlawful for any person to distribute, have for sale, offer for sale  
45 or sell any safety belt or shoulder harness assembly for use in a motor vehicle  
46 unless it meets current minimum standards and specifications of the United States  
47 Department of Transportation.

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