

SENATE BILL NO. 154—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF DEPARTMENT OF MOTOR VEHICLES AND PUBLIC SAFETY)

FEBRUARY 10, 1999

Referred to Committee on Transportation

SUMMARY—Revises provisions governing use of devices for restraining certain children being transported in motor vehicles in this state. (BDR 43-412)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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

AN ACT relating to motor vehicles; expanding the circumstances under which a child who is being transported in a motor vehicle must be secured by a device for restraining a child; providing that the failure to so secure a child may not be considered causation in a civil action; 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 person
3 who is transporting a child who is under 5 years of age ~~and~~ **or** who weighs
4 less than 40 pounds in a motor vehicle operated in this state which is
5 equipped to carry passengers shall secure him in a device for restraining a
6 child which has been approved by the United States Department of
7 Transportation.
8 2. A person who violates the provisions of subsection 1 shall be
9 punished by a fine of not less than \$35 nor more than \$100 unless, within
10 14 days after the issuance of the citation for such a violation, the person
11 presents to the court specified in the citation proof of his purchase of such a
12 restraining device. Upon presentation of such proof, the court shall void the
13 citation.
14 3. For the purposes of NRS 483.473, a violation of this section is not a
15 moving traffic violation.
16 4. A violation of this section may not be considered:

- 1 (a) Negligence **or causation** in any civil action; or
- 2 (b) Negligence or reckless driving for the purposes of NRS 484.377.
- 3 5. This section does not apply:
- 4 (a) To a person who is transporting a child in a means of public
- 5 transportation, including a taxi, school bus or emergency vehicle.
- 6 (b) When a physician determines that the use of such a restraining
- 7 device for the particular child would be impractical or dangerous because
- 8 of such factors as the child's weight, physical unfitness or medical
- 9 condition. In this case, the person transporting the child shall carry in the
- 10 vehicle the signed statement of the physician to that effect.

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