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MOCK-UP

PROPOSED AMENDMENT TO
ASSEMBLY BILL NO. 226

PREPARED FOR ASSEMBLYMAN JOHN OCEGUERA

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PREPARED BY THE RESEARCH DIVISION

**NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN
CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE
OFFICIAL AMENDMENT MAY DIFFER.**

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

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

Section 1. Chapter 484 of NRS is hereby amended by adding thereto
a new section to read as follows:

1. *Any person driving a taxicab or limousine, and any passenger 5
years of age or older and weighing 40 pounds or more who rides in the
front or back seat of any taxicab or limousine, on any highway, road or
street in this state shall wear a safety belt if one is available for his
seating position, except that this subsection does not apply:*

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

(b) *If the taxicab or limousine was not required by federal law at the
time of initial sale to be equipped with safety belts.*

2. *The driver of a taxicab or limousine parent or guardian of a child
passenger shall not allow any passenger a child who is 4 years old or
younger or who weighs less than 40 pounds to ride in the front seat of
the a taxicab or limousine.*

3. *A citation must be issued to any driver or passenger who violates
the provisions of subsections 1 or 2. If a passenger who is a child 5 years*

1 of age or older but under 18 years fails to wear a safety belt as required
2 in subsection 1, a citation must be issued to ~~the driver~~ that passenger or,
3 if that passenger is traveling with his parent or guardian, to the adult
4 passenger and parent or guardian of the child for his failure to require
5 that child to wear the safety belt, but if both the ~~driver~~ adult passenger
6 and that child are not wearing safety belts, only one citation may be
7 issued to the ~~driver~~ adult passenger for both violations. A citation may be
8 issued pursuant to this subsection only if the violation is discovered when
9 the vehicle is halted or its driver arrested for another alleged violation or
10 offense. Any person who violates the provisions of subsection 1 or 2 shall
11 be punished by a fine of not more than \$25 or by a sentence to perform a
12 certain number of hours of community service.

13 4. A violation of subsection 1 or 2:

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

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

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

21 5. An owner or operator of a taxicab ~~or limousine~~ shall post a sign
22 within each of his taxicabs ~~and limousines~~ advising passengers that they
23 are required pursuant to this section to wear safety belts while being
24 transported by the taxicab ~~or limousine~~, and that a passenger 4 years old
25 or younger or who weighs less than 40 pounds cannot ride in the front
26 seat of the taxicab. Such a sign must be placed within the taxicab ~~or~~
27 ~~limousine~~ so as to be visible to and easily readable by passengers, except
28 that this subsection does not apply if the taxicab ~~or limousine~~ was not
29 required by federal law at the time of initial sale to be equipped with
30 safety belts.

NRS 484.474 is hereby amended to read as follows:

484.474 1. Except as otherwise provided in subsection 5, any person who is transporting a child who is under 5 years of age and who weighs less than 40 pounds in a motor vehicle operated in this state which is equipped to carry passengers shall secure him in a device for restraining a child which has been approved by the United States Department of Transportation.

2. A person who violates the provisions of subsection 1 shall be punished by a fine of not less than \$35 nor more than \$100 unless, within 14 days after the issuance of the citation for such a violation, the person presents to the court specified in the citation proof of his purchase of such a restraining device. Upon presentation of such proof, the court shall void the citation.

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

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

(a) Negligence in any civil action; or

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

5. This section does not apply:

(a) ~~to~~ Except as otherwise provided in section 1 of this act, to a person who is transporting a child in a means of public transportation, including a ~~taxi~~ school bus or emergency vehicle.

(b) When a physician determines that the use of such a restraining device for the particular child would be impractical or dangerous because of such factors as the child's weight, physical unfitness or medical condition. In this case, the person transporting the

1 Sec. 2. NRS 484.641 is hereby amended to read as follows:

2 484.641 1. It is unlawful to drive a passenger car manufactured
3 after:

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

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

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

12 2. Any person driving and any passenger 5 years of age or older who
13 rides in the front or back seat of any vehicle described in subsection 1,
14 having an unladen weight of less than 6,000 pounds, on any highway, road
15 or street in this state shall wear a safety belt if one is available for his
16 seating position.

17 3. A citation must be issued to any driver or to any adult passenger
18 who fails to wear a safety belt as required by subsection 2. If the passenger
19 is a child 5 years of age or older but under 18 years, a citation must be
20 issued to the driver for his failure to require that child to wear the safety

1 belt, but if both the driver and that child are not wearing safety belts, only
2 one citation may be issued to the driver for both violations. A citation may
3 be issued pursuant to this subsection only if the violation is discovered
4 when the vehicle is halted or its driver arrested for another alleged
5 violation or offense. Any person who violates the provisions of subsection
6 2 shall be punished by a fine of not more than \$25 or by a sentence to
7 perform a certain number of hours of community service.

8 4. A violation of subsection 2:

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

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

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

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

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

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

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

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

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

30 (e) ~~{To}~~ *Except as otherwise provided in section 1 of this act, to a*
31 *passenger riding in a means of public transportation, including a {taxi,}*
32 *school bus or emergency vehicle.*

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

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