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MOCK-UP

PROPOSED AMENDMENT TO
SENATE BILL NO. 116
FIRST REPRINT

PREPARED FOR NEVADA SUPREME COURT
APRIL 18, 2003

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:

- 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
3 person who is transporting a child who is ~~{under 5}~~ *less than 9* years of age
4 and who weighs *80 pounds or less* ~~{than 40 pounds}~~ in a motor vehicle
5 operated in this state which is equipped to carry passengers shall secure
6 ~~{him}~~ *the child* in a ~~{device for restraining a}~~ *child restraint system* which
7 ~~{has}~~ :
8 (a) *Has* been approved by the United States Department of
9 Transportation ~~{+}~~ *in accordance with the Federal Motor Vehicle Safety*
10 *Standards set forth in 49 C.F.R. Part 571;*
11 (b) *Is appropriate for the size and weight of the child; and*
12 (c) *Is installed within and attached safely and securely to the motor*
13 *vehicle;*
14 (1) *In accordance with the instructions for installation and*
15 *attachment provided by the manufacturer of the child restraint system;*
16 or
17 (2) *In another manner that is approved by the National Highway*
18 *Traffic Safety Administration.*

ASSEMBLY TRANSPORTATION
DATE: 5/8/03 ROOM: 3143 EXHIBIT C1-4
SUBMITTED BY: Marji Paslov Thomas

*PROPOSED AMENDMENT TO SB116_R1*C

2. A person who violates the provisions of subsection 1 shall be :

(a) *Required to complete a program of training conducted by a person or agency approved by the court in the installation and use of child restraint systems; and*

(b) *Except as otherwise provided in this paragraph, punished by a fine of not less than ~~[\$35]~~ \$50 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.]~~ \$500, or required to perform not less than 8 hours nor more than 50 hours of community service. The court may waive any amount of the fine in excess of \$50 or any amount of the community service in excess of 8 hours if a person or agency approved by the court certifies that the violator has:*

(1) *Completed the program of training required by paragraph (a); and*

(2) *Presented for inspection by the person or agency an installed child restraint system that satisfies the provisions of subsection 1.*

The court shall make available a list of persons and agencies approved by the Department of Pulic Safety (Office of Traffic Safety) ~~court~~ to conduct programs of training and perform inspections of child restraint systems.

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 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~~ *child restraint system* 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 child shall carry in the vehicle the signed statement of the physician to that effect.

6. *As used in this section, "child restraint system" means any device except safety belts that is designed for use in a motor vehicle to restrain, seat or position children. The term includes, without limitation, booster seats and belt-positioning seats that are designed to elevate a child so as to allow the child to be secured with a safety belt.*

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

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

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

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

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

11 2. Any person driving, and any passenger ~~{5}~~ who:

12 (a) *Is 9 years of age or older ; or*

13 (b) *Weights more than 80 pounds, regardless of age,*
14 *who rides in the front or back seat of any vehicle described in subsection 1,*
15 *having an unladen weight of less than ~~{6,000}~~ 10,000 pounds, on any*
16 *highway, road or street in this state shall wear a safety belt if one is*
17 *available for his seating position.*

18 3. A citation must be issued to any driver or to any adult passenger
19 who fails to wear a safety belt as required by
20 subsection 2. If the passenger is a child ~~{5}~~ who:

21 (a) *Is 9 years of age or older but ~~{under}~~ less than 18 years ~~{-}~~ of age,*
22 *regardless of weight; or*

23 (b) *Is less than 9 years of age but who weighs more than 80 pounds,*
24 *a citation must be issued to the driver for his failure to require that child to*
25 *wear the safety belt, but if both the driver and that child are not wearing*
26 *safety belts, only one citation may be issued to the driver for both*
27 *violations. A citation may be issued pursuant to this subsection only if the*
28 *violation is discovered when the vehicle is halted or its driver arrested for*
29 *another alleged violation or offense. Any person who violates the*
30 *provisions of subsection 2 shall be punished by a fine of not more than \$25*
31 *or by a sentence to perform a certain number of hours of community*
32 *service.*

33 4. A violation of subsection 2:

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

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

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

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

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

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

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

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

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

11 (e) To a passenger riding in a means of public transportation, including
12 a taxi, school bus or emergency vehicle.

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

17 Sec. 3. This act becomes effective on June 1, 2004.

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