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MOCK-UP

PROPOSED AMENDMENT TO
SENATE BILL NO. 116

PREPARED FOR SENATE COMMITTEE ON TRANSPORTATION
FEBRUARY 25, 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:*

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(I) The United States Department of Transportation, National Highway Traffic Safety Administration;

~~(II) A fire department; or~~

~~(III) A law enforcement agency;~~

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. }~~ \$100, \$50 or nor more than \$500.

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:

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

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

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

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

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

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

(b) *Weights more than 80 pounds, regardless of age,*

1 who rides in the front or back seat of any vehicle described in subsection 1,
2 having an unladen weight of less than ~~6,000~~ 10,000 pounds, on any
3 highway, road or street in this state shall wear a safety belt if one is
4 available for his seating position.

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

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

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

20 4. A violation of subsection 2:

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

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

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

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

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

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

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

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

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

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

44 7. It is unlawful for any person to distribute, have for sale, offer for
45 sale or sell any safety belt or shoulder harness assembly for use in a motor

- 1 vehicle unless it meets current minimum standards and specifications of
- 2 the United States Department of Transportation.

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