

SENATE BILL NO. 116—SENATORS NOLAN AND WIENER

FEBRUARY 13, 2003

JOINT SPONSORS: ASSEMBLYWOMEN LESLIE
AND CHOWNING

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to use of equipment to secure children traveling in certain motor vehicles. (BDR 43-87)

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; requiring that a child who is less than 9 years of age and who weighs 80 pounds or less be secured in a child restraint system when traveling in certain motor vehicles; requiring that such a system be properly installed within and attached to the motor vehicle; revising the provisions relating to the imposition of a fine for failing to secure a child in a child restraint system; revising provisions relating to the wearing of safety belts to require that each child who is not required to be secured in a child restraint system be secured with a safety belt; 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
3 person who is transporting a child who is ~~{under 5}~~ *less than 9* years
4 of age and who weighs *80 pounds or* less ~~{than 40 pounds}~~ in a
5 motor vehicle operated in this state which is equipped to carry



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1 passengers shall secure ~~him~~ *the child* in a ~~device for restraining a~~
2 child *restraint system* which ~~has~~ :

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

6 (b) *Is appropriate for the size and weight of the child; and*

7 (c) *Is installed within and attached safely and securely to the*
8 *motor vehicle;*

9 (1) *In accordance with the instructions for installation and*
10 *attachment provided by the manufacturer of the child restraint*
11 *system; or*

12 (2) *In another manner that is approved by:*

13 (I) *The United States Department of Transportation;*

14 (II) *A fire department; or*

15 (III) *A law enforcement agency.*

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

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

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

25 (a) Negligence in any civil action; or

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

28 5. This section does not apply:

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

31 (b) When a physician determines that the use of such a
32 ~~restraining device~~ *child restraint system* for the particular child
33 would be impractical or dangerous because of such factors as the
34 child's weight, physical unfitness or medical condition. In this case,
35 the person transporting the child shall carry in the vehicle the signed
36 statement of the physician to that effect.

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

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

44 484.641 1. It is unlawful to drive a passenger car
45 manufactured after:



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

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

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

11 2. Any person driving , and any passenger ~~[S]~~ *who:*

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

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

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

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

21 (a) *Is 9 years of age or older but ~~[under]~~ less than 18 years ~~[S]~~ of*
22 *age, regardless of weight; or*

23 (b) *Is less than 9 years of age but who weighs more than 80*
24 *pounds,*

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

34 4. A violation of subsection 2:

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

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

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

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

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



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

4 (b) If the vehicle is not required by federal law to be equipped
5 with 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
9 does not exceed 15 miles per hour between stops and the driver or
10 passenger is frequently leaving the vehicle or delivering property
11 from the vehicle; or

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

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

