

ASSEMBLY BILL NO. 261—ASSEMBLYMEN ALLEN
AND HARDY (BY REQUEST)

MARCH 21, 2005

Referred to Committee on Transportation

SUMMARY—Revises provisions concerning negligence and causation in relation to certain acts of unrestrained riding within or upon motor vehicle. (BDR 43-900)

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 **fornitted-material** is material to be omitted.

AN ACT relating to motor vehicles; revising provisions concerning negligence and causation in relation to certain acts of unrestrained riding within or upon a motor vehicle; 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 484.473 is hereby amended to read as follows:
2 484.473 1. Except as otherwise provided in subsections 2 and
3 4, a driver shall not permit a person, with regard to a motor vehicle
4 being operated on a paved highway, to ride upon or within any
5 portion of the vehicle that is primarily designed or intended for
6 carrying goods or other cargo or that is otherwise not designed or
7 intended for the use of passengers, including, without limitation:
8 (a) Upon the bed of a flatbed truck; or
9 (b) Within the bed of a pickup truck.
10 2. A driver may permit a person to ride upon the bed of a
11 flatbed truck or within the bed of a pickup truck if the person is:
12 (a) Eighteen years of age or older; or
13 (b) Under 18 years of age and the motor vehicle is:
14 (1) Being used in the course of farming or ranching; or
15 (2) Being driven in a parade authorized by a local authority.



3. A citation must be issued to a driver who permits a person to ride upon or within a vehicle in violation of subsection 1. A driver who is cited pursuant to this subsection shall be punished by a fine of at least \$35 but not more than \$100.

4. The provisions of subsection 1 do not apply to the portion of the bed of a truck that is covered by a camper shell or slide-in camper.

5. A violation of this section:

(a) Is not a moving traffic violation for the purposes of NRS 483.473; and

(b) May not be considered ~~as:~~
~~(1) Negligence or causation in a civil action; or~~
~~(2) Negligent~~ **negligent** or reckless driving for the purposes of NRS 484.377.

6. As used in this section:

(a) "Camper shell" has the meaning ascribed to it in NRS 361.017.

(b) "Slide-in camper" has the meaning ascribed to it in NRS 482.113.

Sec. 2. 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 less than 6 years of age and who weighs 60 pounds or less in a motor vehicle operated in this State which is equipped to carry passengers shall secure the child in a child restraint system which:

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

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

(c) Is installed within and attached safely and securely to the motor vehicle:

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

(2) In another manner that is approved by the National Highway Traffic Safety Administration.

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 Department of Public Safety 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 \$50 nor more than \$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 Department of Public Safety 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 Public Safety 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~~ **negligent** 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 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 that is designed for use in a motor vehicle to restrain, seat or position children. The term includes, without limitation:

(a) Booster seats and belt-positioning seats that are designed to elevate or otherwise position a child so as to allow the child to be secured with a safety belt;

(b) Integrated child seats; and

(c) Safety belts that are designed specifically to be adjusted to accommodate children.

Sec. 3. 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 who:

(a) Is 6 years of age or older; or

(b) Weighs more than 60 pounds, regardless of age,

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

3. A citation must be issued to any driver or to any adult passenger who fails to wear a safety belt as required by subsection

2. If the passenger is a child who:

(a) Is 6 years of age or older but less than 18 years of age, regardless of weight; or

(b) Is less than 6 years of age but who weighs more than 60 pounds,

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

4. A violation of subsection 2:

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

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

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

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

6. The provisions of subsections 2 and 3 do 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;

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



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

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

(e) Except as otherwise provided in NRS 484.6415, to a passenger riding in a means of public transportation, including a school bus or emergency vehicle.

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

Sec. 4. NRS 484.6415 is hereby amended to read as follows:

484.6415 1. Any passenger 18 years of age or older who rides in the front or back seat of any taxicab 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 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 was not required by federal law at the time of initial sale to be equipped with safety belts.

2. A citation must be issued to any passenger who violates the provisions of subsection 1. A citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. Any person who violates the provisions of subsection 1 shall be punished by a fine of not more than \$25 or by a sentence to perform a certain number of hours of community service.

3. A violation of subsection 1:

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

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

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

4. An owner or operator of a taxicab shall post a sign within each of his taxicabs advising passengers that they must wear safety belts while being transported by the taxicab. Such a sign must be placed within the taxicab so as to be visible to and easily readable by passengers, except that this subsection does not apply if the



- 1 taxicab was not required by federal law at the time of initial sale to
- 2 be equipped with safety belts.

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