

SENATE BILL NO. 472—COMMITTEE ON TRANSPORTATION
AND HOMELAND SECURITY

MARCH 29, 2005

Referred to Committee on Transportation and Homeland Security

SUMMARY—Revises provisions concerning penalties for failure to secure child in approved child restraint system. (BDR 43-1338)

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; revising provisions concerning penalties for failure to secure a child in an approved child restraint system; 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~~ 7,
3 any person who is transporting a child who is less than 6 years of
4 age and who weighs 60 pounds or less in a motor vehicle operated
5 in this State which is equipped to carry passengers shall secure the
6 child in a child restraint system which:
7 (a) Has been approved by the United States Department of
8 Transportation in accordance with the Federal Motor Vehicle Safety
9 Standards set forth in 49 C.F.R. Part 571;
10 (b) Is appropriate for the size and weight of the child; and
11 (c) Is installed within and attached safely and securely to the
12 motor vehicle:
13 (1) In accordance with the instructions for installation and
14 attachment provided by the manufacturer of the child restraint
15 system; or



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

2. ~~{A person who violates}~~ *If a defendant pleads or is found guilty of violating* the provisions of subsection 1 ~~{shall be:~~

~~—(a) Required}~~, *the court shall:*

(a) *In addition to any other penalty imposed by law, order the defendant 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 { } , except that the court shall waive the requirements of this paragraph if the defendant is not a resident of the State of Nevada; and*

(b) Except as otherwise provided in this paragraph, ~~{punished by}~~ *order the defendant to pay* a fine of not less than \$50 nor more than \$500, or ~~{required}~~ *order the defendant* to perform not less than 8 hours nor more than 50 hours of community service. The court may :

(1) *For a first offense by a defendant who completes a program of training described in paragraph (a), waive any amount of the fine or any amount of the community service; and*

(2) *For a second or subsequent offense by a defendant who completes a program of training described in paragraph (a), waive any amount of the fine in excess of \$50 or any amount of the community service in excess of 8 hours ,*

↳ if ~~{a}~~ *the person or agency* ~~{approved by the Department of Public Safety}~~ *which provided the program of training to the defendant certifies to the court that the* ~~{violinator has:~~

~~——(1) Completed}~~ *defendant has completed* the program of training required by paragraph (a) ~~{; and~~

~~——(2) Presented}~~, *has paid the fee, if any, established for the program pursuant to subsection 4 and has presented* for inspection by the person or agency an installed child restraint system that satisfies the provisions of subsection 1. *The provisions of this paragraph do not authorize the waiver of any fee established by a person or agency pursuant to subsection 4.*

3. 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-}~~ *The list must include, without limitation, an indication of the fee, if any, established by the person or agency pursuant to subsection 4.*

4. *A person or agency approved by the Department of Public Safety to conduct programs of training and perform inspections of child restraint systems may, in cooperation with the Department, establish a fee to be paid by defendants who are ordered to complete a program of training. The amount of the fee, if any:*



- 1 (a) *Must be reasonable; and*
2 (b) *May, if a defendant desires to acquire a child restraint*
3 *system from such a person or agency, include the cost of a child*
4 *restraint system provided by the person or agency to the defendant.*
5 ↪ *A program of training may not be operated for profit.*

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

8 ~~4.~~ 6. A violation of this section may not be considered:

- 9 (a) Negligence in any civil action; or
10 (b) Negligence or reckless driving for the purposes of
11 NRS 484.377.

12 ~~5.~~ 7. This section does not apply:

- 13 (a) To a person who is transporting a child in a means of public
14 transportation, including a taxi, school bus or emergency vehicle.
15 (b) When a physician determines that the use of such a child
16 restraint system for the particular child would be impractical or
17 dangerous because of such factors as the child's weight, physical
18 unfitness or medical condition. In this case, the person transporting
19 the child shall carry in the vehicle the signed statement of the
20 physician to that effect.

21 ~~6.~~ 8. As used in this section, "child restraint system" means
22 any device that is designed for use in a motor vehicle to restrain,
23 seat or position children. The term includes, without limitation:

- 24 (a) Booster seats and belt-positioning seats that are designed to
25 elevate or otherwise position a child so as to allow the child to be
26 secured with a safety belt;
27 (b) Integrated child seats; and
28 (c) Safety belts that are designed specifically to be adjusted to
29 accommodate children.

30 Sec. 2. This act becomes effective on July 1, 2005.



