
ASSEMBLY BILL NO. 64—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF THE NEVADA JUDGES ASSOCIATION)

PREFILED FEBRUARY 2, 2007

Referred to Committee on Transportation

SUMMARY—Makes various changes concerning the enforcement of a court order to complete certain training when a defendant failed to properly secure a child in a child restraint system in a vehicle. (BDR 43-268)

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 traffic laws; making various changes concerning the enforcement of a court order to complete certain training when a defendant failed to properly secure a child in a child restraint system in a vehicle; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires a person who transports a child who is less than 6 years of
2 age and who weighs 60 pounds or less to secure the child in a child restraint
3 system. A court is required to order a defendant who did not comply with that
4 requirement to complete a program of training in the installation and use of child
5 restraint systems, unless the defendant is not a resident of the State of Nevada. The
6 court is further required to impose a fine or require the defendant to perform
7 community service, but may waive a portion of the fine or community service if the
8 program of training certifies to the court that the defendant completed the program
9 of training. **Section 1** of this bill revises the procedures so that the person or agency
10 which conducts the program of training is required to provide the defendant with a
11 certificate of completion. The defendant is then required to submit the certificate to
12 the court. Failure to complete the training or submit the certificate results in the
13 suspension of the driver's license of the person until the person provides the
14 Department of Motor Vehicles with a copy of the certificate of completion.



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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon satisfactory completion of a program of training, the person or agency which conducts a program of training pursuant to NRS 484.474 shall provide the defendant with a certificate of completion.

2. The certificate of completion must contain:

(a) The defendant's full name;

(b) The dates of the training;

(c) The signature of the person or representative of the agency who conducted the training verifying that the defendant successfully completed the program; and

(d) A current mailing address and telephone number of the person or representative of the agency who conducted the training.

3. The defendant must provide a copy of the certificate of completion to the court that ordered the training within the time set forth in the order pursuant to NRS 484.474.

4. If the court does not receive a copy of the certificate of completion from the defendant within the time set forth in the order, the court shall issue an order suspending the driver's license of the defendant, unless the court finds that the defendant failed to provide a copy of the certificate for good cause.

5. If the court issues an order suspending the driver's license of the defendant pursuant to subsection 4, the court shall require the defendant to surrender to the court all driver's licenses then held by the defendant. The court shall, within 5 days after issuing the order, forward the driver's licenses and a copy of the order to the Department.

6. The Department shall reinstate a license suspended pursuant to subsection 4 when the defendant provides the Department with a copy of a certificate of completion.

Sec. 2. NRS 484.474 is hereby amended to read as follows:

484.474 1. Except as otherwise provided in subsection 7, 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. If a defendant pleads or is found guilty of violating the provisions of subsection 1, 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 ~~to~~ **within 60 days**, 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, order the defendant to pay a fine of not less than \$50 nor more than \$500, or 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 **the defendant provides the court with a copy of the certificate of completion provided by** the person or **representative of the** agency ~~[which]~~ **who** provided the program of training to the defendant . ~~[certifies to the court]~~ **The certificate must certify** that the defendant has completed the program of training required by paragraph (a), 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. 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,



1 establish a fee to be paid by defendants who are ordered to complete
2 a program of training. The amount of the fee, if any:

3 (a) Must ~~be reasonable;~~ *not exceed the actual operating costs*
4 *associated with providing the program of training;* and

5 (b) May, if a defendant desires to acquire a child restraint
6 system from such a person or agency, include the cost of a child
7 restraint system provided by the person or agency to the defendant.

8 ➡ A program of training may not be operated for profit.

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

11 6. A violation of this section may not be considered:

12 (a) Negligence in any civil action; or

13 (b) Negligence or reckless driving for the purposes of
14 NRS 484.377.

15 7. This section does not apply:

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

18 (b) When a physician determines that the use of such a child
19 restraint system for the particular child would be impractical or
20 dangerous because of such factors as the child's weight, physical
21 unfitness or medical condition. In this case, the person transporting
22 the child shall carry in the vehicle the signed statement of the
23 physician to that effect.

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

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

30 (b) Integrated child seats; and

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

