

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 penalties imposed by a court when a defendant fails 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 penalties imposed by a court when a defendant fails 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. This bill deletes the requirement that a court order a defendant to
10 undergo a program of training and requires the court to provide the defendant with
11 a referral list of available programs of training. This bill also increases the amount
12 of the fine or hours of community service a court may impose for failing to
13 properly secure the child in a child restraint system. Further, for a first offense, a
14 defendant may have the fine or hours of community service waived if he
15 successfully completes a program of training recommended by the court and
16 presents proof of completion of the training to the court. For a second offense, a
17 defendant may have the fine or hours of community service reduced by half if he



18 successfully completes a program of training recommended by the court and
19 presents proof of completion of the training to the court.

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

1 **Section 1.** (Deleted by amendment.)

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

3 484.474 1. Except as otherwise provided in subsection 7, any
4 person who is transporting a child who is less than 6 years of age
5 and who weighs 60 pounds or less in a motor vehicle operated in
6 this State which is equipped to carry passengers shall secure the
7 child in a child restraint system which:

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
13 motor vehicle:

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

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

19 2. If a defendant pleads or is found guilty of violating the
20 provisions of subsection 1, the court shall:

21 (a) ~~In addition to any other penalty imposed by law, order the~~
22 ~~defendant to complete a program of training conducted by a person~~
23 ~~or agency approved by the Department of Public Safety in the~~
24 ~~installation and use of child restraint systems, except that the court~~
25 ~~shall waive the requirements of this paragraph if the defendant is not~~
26 ~~a resident of the State of Nevada; and~~

27 ~~—(b) Except as otherwise provided in this paragraph, order the~~
28 ~~defendant to pay a fine of not less than \$50 nor more than \$500, or~~
29 ~~order the defendant to perform not less than 8 hours nor more than~~
30 ~~50 hours of community service. The court may:~~

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

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

38 ~~→ if the person or agency which provided the program of training to~~
39 ~~the defendant certifies to the court that the defendant has completed~~



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~~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.]~~ *For a first offense, order the defendant to pay a fine of not less than \$100 nor more than \$500 or order the defendant to perform not less than 10 hours nor more than 50 hours of community service;*

(b) For a second offense, order the defendant to pay a fine of not less than \$500 nor more than \$1000 or order the defendant to perform not less than 50 hours nor more than 100 hours of community service; and

(c) For a third or subsequent offense, suspend the driver's license of the defendant for not less than 30 days nor more than 180 days.

3. ~~{The}~~ *At the time of sentencing, the* court shall ~~{make available}~~ *provide the defendant with* 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. *If, within 60 days after sentencing, a defendant provides the court with proof of satisfactory completion of a program of training provided for in this subsection, the court shall:*

(a) If the defendant was sentenced pursuant to paragraph (a) of subsection 2, waive the fine or community service previously imposed; or

(b) If the defendant was sentenced pursuant to paragraph (b) of subsection 2, reduce by one-half the fine or community service previously imposed.

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:

(a) Must be reasonable; and

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

➔ A program of training may not be operated for profit.

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

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

(a) Negligence in any civil action; or



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

7. 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.

8. 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.

