

Amendment No. 570

Assembly Amendment to Assembly Bill No. 64

(BDR 43-268)

Proposed by: Assembly Committee on Transportation**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold*** is newly added transitory language.

EAH/SGW



Date: 4/19/2007

A.B. No. 64—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)



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~~ **penalties imposed by a court** when a defendant ~~failed~~ **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 ~~enforcement of a court order to complete certain training~~ **penalties imposed by a court** when a defendant ~~failed~~ **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:

Existing law requires a person who transports a child who is less than 6 years of age and who weighs 60 pounds or less to secure the child in a child restraint system. A court is required to order a defendant who did not comply with that requirement to complete a program of training in the installation and use of child restraint systems, unless the defendant is not a resident of the State of Nevada. The court is further required to impose a fine or require the defendant to perform community service, but may waive a portion of the fine or community service if the program of training certifies to the court that the defendant completed the program of training. ~~[Section 1 of this] This bill revises the procedures so that the person or agency which conducts the program of training is required to provide the defendant with a certificate of completion. The defendant is then required to submit the certificate to the court. Failure to complete the training or submit the certificate results in the suspension of the driver's license of the person until the person provides the Department of Motor Vehicles with a copy of the certificate of completion.]~~ **deletes the requirement that a court order a defendant to undergo a program of training and requires the court to provide the defendant with a referral list of available programs of training. This bill also increases the amount of the fine or hours of community service a court may impose for failing to properly secure the child in a child restraint system. Further, for a first offense, a defendant may have the fine or hours of community service waived if he successfully completes a program of training recommended by the court and presents proof of completion of the training to the court. For a second offense, a defendant may have the fine or hours of community service reduced by half if he successfully completes a program of training recommended by the court and 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.** ~~[Chapter 484 of NRS is hereby amended by adding thereto a new~~
2 ~~section to read as follows:~~

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

6 ~~2. The certificate of completion must contain:~~

7 ~~(a) The defendant's full name;~~

8 ~~(b) The dates of the training;~~

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

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

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

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

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

26 ~~6. The Department shall reinstate a license suspended pursuant to~~
27 ~~subsection 4 when the defendant provides the Department with a copy of a~~
28 ~~certificate of completion.] (Deleted by amendment.)~~

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

30 484.474 1. Except as otherwise provided in subsection 7, any person who is
31 transporting a child who is less than 6 years of age and who weighs 60 pounds or
32 less in a motor vehicle operated in this State which is equipped to carry passengers
33 shall secure the child in a child restraint system which:

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

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

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

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

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

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

45 (a) ~~[In addition to any other penalty imposed by law, order the defendant to~~
46 ~~complete a program of training conducted by a person or agency approved by the~~
47 ~~Department of Public Safety in the installation and use of child restraint systems.] [~~
48 ~~Within 60 days except that the court shall waive the requirements of this paragraph~~
49 ~~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.]~~

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; ~~{not exceed the actual operating costs associated with providing the program of training;}~~ 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

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

7. This section does not apply:

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

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

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

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

13 (b) Integrated child seats; and

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