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FOURTH REPRINT

A.B. 433

ASSEMBLY BILL NO. 433—ASSEMBLYMEN PIERCE, HORNE, BUCKLEY; ARBERRY, ATKINSON, HOGAN, KIHUEN, KIRKPATRICK, LESLIE, MCCLAIN, MORTENSON, MUNFORD, OCEGUERA, OHRENSCHALL AND SEGERBLOM

MARCH 16, 2009

JOINT SPONSOR: SENATOR PARKS

Referred to Committee on Health and Human Services

SUMMARY—Provides that failure to wear a safety belt is a primary traffic offense. (BDR 40-976)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; providing that failure to wear a safety belt is a primary traffic offense; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, most drivers of and passengers in modern vehicles are required by law to wear safety belts. However, the failure to wear such safety belts is not, at the present time, a primary offense for which a vehicle may be halted. (NRS 484.641, 484.6415) **Sections 5 and 6** of this bill make the failure to wear a safety belt as prescribed by law a primary offense for which a vehicle may be halted. However, **section 9** of this bill clarifies that, during the period beginning on the effective date of this bill and ending on July 1, 2011, peace officers may only issue warnings for violations of the primary safety belt law.

Existing law establishes a uniform system of demerit points, which points are assigned to persons who commit certain moving traffic violations. (NRS 483.473) **Section 3** of this bill provides that if a person who commits such a violation is in compliance with the primary safety belt law established pursuant to the amendatory provisions of **sections 5 and 6**, any demerit points which would otherwise be assigned to the driving record of that person must be reduced by one demerit point.

Sections 7 and 8 of this bill require the Legislative Commission to provide for studies of, respectively: (1) the incidence of racial profiling in the enforcement of the primary safety belt law; and (2) the efficacy and cost-savings associated with the primary safety belt law.



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1 WHEREAS, Traffic safety researchers have repeatedly shown that
2 increasing safety belt use in passenger cars has the proven effect of
3 saving lives, reducing injuries and reducing the staggering medical
4 costs resulting from car accidents; and

5 WHEREAS, The National Highway Traffic Safety Administration
6 (NHTSA) has found that safety belt use in passenger cars reduces
7 the risk of death by 45 percent, the risk of serious injury by 50
8 percent, the severity of injuries by 400 to 500 percent and prevents
9 ejection during an accident, 75 percent of which ejections result in
10 the death of a passenger; and

11 WHEREAS, The NHTSA estimates that the adoption of primary
12 safety belt laws, which allow an officer to stop a vehicle and issue a
13 citation for the failure of a person to wear a safety belt, unlike
14 secondary safety belt laws, which allow the issuance of such a
15 citation only if a vehicle is first stopped for another infraction,
16 would on a national level prevent 11,000 injuries and 800 deaths,
17 and save approximately \$2.5 billion each year; and

18 WHEREAS, It has been demonstrated repeatedly that the use of
19 safety belts increases by 10 to 13 percent in states which have
20 adopted a primary safety belt law, resulting in fewer accident-
21 related deaths and injuries, and reduced associated costs; and

22 WHEREAS, Recognizing the benefits of primary safety belt laws,
23 the United States Congress enacted the Safe, Accountable, Flexible,
24 Efficient Transportation Equity Act to encourage states to adopt
25 such laws and, today, a majority of states have primary safety belt
26 laws; and

27 WHEREAS, With specific regard to the State of Nevada, the
28 NHTSA has found that if a primary safety belt law were to be
29 enacted, in 2009 alone, the State would save approximately \$1.6
30 million as a direct result of injuries prevented, and the total savings
31 to the State, medical patients and businesses would amount to
32 approximately \$6.9 million; and

33 WHEREAS, Similar to the findings of the Federal Government,
34 the Office of Traffic Safety of the Department of Public Safety has
35 also found that the enactment of a primary safety belt law would
36 save countless lives, reduce injuries and save the State
37 approximately \$5.6 million over a 3-year period; and

38 WHEREAS, The adoption of this legislation would, in part,
39 enable Nevada to receive \$1.2 million in federal funds and finally
40 join the majority of other states that have chosen to adopt primary
41 safety belt laws to save lives and prevent injuries; and

42 WHEREAS, The statistics amassed and compiled by both the
43 NHTSA and the Office of Traffic Safety lead to the conclusion that
44 the adoption of a primary safety belt law would, by way of the



1 reduction of injuries and deaths, and also a reduction in the needless
2 overuse of medical facilities and personnel to treat entirely
3 preventable automotive casualties, allow millions of dollars that are
4 currently devoted to such purposes to be devoted instead to other
5 medical crises and necessities; now, therefore,

6
7 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
8 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
9

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

11 **Sec. 2.** (Deleted by amendment.)

12 **Sec. 3.** Chapter 483 of NRS is hereby amended by adding
13 thereto a new section to read as follows:

14 **1. If:**

15 *(a) A peace officer halts a vehicle for a violation that is a*
16 *moving traffic violation under NRS 483.473;*

17 *(b) The peace officer issues a citation for the moving traffic*
18 *violation; and*

19 *(c) During such a traffic stop, the peace officer determines*
20 *that the person cited is in compliance with the relevant provisions*
21 *of NRS 484.641 or 484.6415, as applicable,*

22 *↪ the officer shall so notify the Department and the Department*
23 *shall ensure that any demerit points which would otherwise be*
24 *assigned as a result of the moving traffic violation are reduced by*
25 *one demerit point.*

26 **2.** *As used in this section, "demerit point" means a point*
27 *assigned to the driving record of a person pursuant to the uniform*
28 *system established under NRS 483.473.*


29 **Sec. 4.** NRS 483.010 is hereby amended to read as follows:

30 483.010 The provisions of NRS 483.010 to 483.630, inclusive,
31 *and section 3 of this act* may be cited as the Uniform Motor Vehicle
32 Drivers' License Act.

33 **Sec. 5.** NRS 484.641 is hereby amended to read as follows:

34 484.641 1. It is unlawful to drive a passenger car
35 manufactured after:

36 (a) January 1, 1968, on a highway unless it is equipped with at
37 least two lap-type safety belt assemblies for use in the front seating
38 positions.

39 (b) January 1, 1970, on a highway  unless it is equipped with a
40 lap-type safety belt assembly for each permanent seating position
41 for passengers. This requirement does not apply to the rear seats of
42 vehicles operated by a police department or sheriff's office.

43 (c) January 1, 1970, unless it is equipped with at least two
44 shoulder-harness-type safety belt assemblies for use in the front
45 seating positions.



1 2. Any person driving, and any passenger who:
2 (a) Is 6 years of age or older; or
3 (b) Weighs more than 60 pounds, regardless of age,
4 ➔ who rides in the front or back seat of any vehicle described in
5 subsection 1, having an unladen weight of less than 10,000 pounds,
6 on any highway, road or street in this State shall wear a safety belt if
7 one is available for his seating position.

8 3. A citation must be issued to any driver or to any adult
9 passenger who fails to wear a safety belt as required by subsection
10 2. If the passenger is a child who:

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

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

15 ➔ a citation must be issued to the driver for his failure to require
16 that child to wear the safety belt, but if both the driver and that child
17 are not wearing safety belts, only one citation may be issued to the
18 driver for both violations. ~~[A citation may be issued pursuant to this~~
19 ~~subsection only if the violation is discovered when the vehicle is~~
20 ~~halted or its driver arrested for another alleged violation or offense.]~~

21 Any person who violates the provisions of subsection 2 shall be
22 punished by a fine of not more than \$25 or by a sentence to perform
23 a certain number of hours of community service.

24 4. A violation of subsection 2:

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

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

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

32 *(d) May not be considered as a basis for cancellation of*
33 *insurance coverage, increase in insurance rates or refusal to issue*
34 *or renew a motor vehicle liability policy.*

35 *(e) May not be considered as a basis for diminishing any*
36 *recovery for damages arising out of the ownership, maintenance,*
37 *occupancy or operation of a motor vehicle.*

38 *(f) May not be considered as a basis for denial, in whole or in*
39 *part, of benefits or payment of a claim submitted pursuant to a*
40 *health insurance policy or health care plan.*

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

44 6. *The provisions of subsections 2 and 3:*



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1 (a) *Do not authorize a peace officer to halt a vehicle for the*
2 *sole purpose of determining whether the driver of the vehicle or a*
3 *passenger in the vehicle is not wearing a safety belt.*

4 (b) *Require that a peace officer have probable cause before the*
5 *peace officer halts a vehicle for the primary offense of the driver*
6 *of the vehicle or a passenger in the vehicle failing to wear a safety*
7 *belt.*

8 7. The provisions of subsections 2 and 3 do not apply:

9 (a) To a driver or passenger who possesses a written statement
10 by a physician certifying that he is unable to wear a safety belt for
11 medical or physical reasons;

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

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

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

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

23 ~~[7-]~~ 8. It is unlawful for any person to distribute, have for sale,
24 offer for sale or sell any safety belt or shoulder harness assembly for
25 use in a motor vehicle unless it meets current minimum standards
26 and specifications of the United States Department of
27 Transportation.

28 9. *As used in this section, "motor vehicle liability policy" has*
29 *the meaning ascribed to it in NRS 485.055.*

30 Sec. 6. NRS 484.6415 is hereby amended to read as follows:

31 484.6415 1. Any passenger 18 years of age or older who
32 rides in the front or back seat of any taxicab on any highway, road
33 or street in this State shall wear a safety belt if one is available for
34 his seating position, except that this subsection does not apply:

35 (a) To a passenger who possesses a written statement by a
36 physician certifying that he is unable to wear a safety belt for
37 medical or physical reasons; or

38 (b) If the taxicab was not required by federal law at the time of
39 initial sale to be equipped with safety belts.

40 2. A citation must be issued to any passenger who violates the
41 provisions of subsection 1. ~~[A citation may be issued pursuant to~~
42 ~~this subsection only if the violation is discovered when the vehicle is~~
43 ~~halted or its driver arrested for another alleged violation or offense.]~~

44 Any person who violates the provisions of subsection 1 shall be



1 punished by a fine of not more than \$25 or by a sentence to perform
2 a certain number of hours of community service.

3 3. A violation of subsection 1:

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

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

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

11 (d) *May not be considered as a basis for cancellation of*
12 *insurance coverage, increase in insurance rates or refusal to issue*
13 *or renew a motor vehicle liability policy.*

14 (e) *May not be considered as a basis for diminishing any*
15 *recovery for damages arising out of the ownership, maintenance,*
16 *occupancy or operation of a motor vehicle.*

17 (f) *May not be considered as a basis for denial, in whole or in*
18 *part, of benefits or payment of a claim submitted pursuant to a*
19 *health insurance policy or health care plan.*

20 4. *The provisions of subsection 1:*

21 (a) *Do not authorize a peace officer to halt a taxicab for the*
22 *sole purpose of determining whether a passenger in the taxicab is*
23 *not wearing a safety belt.*

24 (b) *Require that a peace officer have probable cause before the*
25 *peace officer halts a taxicab for the primary offense of a*
26 *passenger in the taxicab failing to wear a safety belt.*

27 5. An owner or operator of a taxicab shall post a sign within
28 each of his taxicabs advising passengers that they must wear safety
29 belts while being transported by the taxicab. Such a sign must be
30 placed within the taxicab so as to be visible to and easily readable
31 by passengers, except that this subsection does not apply if the
32 taxicab was not required by federal law at the time of initial sale to
33 be equipped with safety belts.

34 6. *As used in this section, "motor vehicle liability policy" has*
35 *the meaning ascribed to it in NRS 485.055.*

36 Sec. 7. 1. The Legislative Commission shall provide for a
37 study conducted by the staff of the Legislative Counsel Bureau
38 concerning the enforcement of NRS 484.641 and 484.6415, as
39 amended by sections 5 and 6 of this act, respectively.

40 2. The study must include, without limitation:

41 (a) An examination of whether there is evidence that racial
42 profiling plays a part, either directly or indirectly, in the
43 enforcement of NRS 484.641 and 484.6415, as amended by sections
44 5 and 6 of this act, respectively.



(b) Gathering of information on the number of traffic stops carried out for primary seat belt offenses, including, without limitation:

(1) The number of citations issued.

(2) The sex, race and age of the persons to whom citations were issued.

(c) An examination of any other matter that the Audit Division of the Legislative Counsel Bureau determines to be relevant to the study.

3. The study described in subsection 2 must be carried out in consultation with:

(a) State and local law enforcement agencies.

(b) The Chairman of the Senate Standing Committee on Energy, Infrastructure and Transportation during the immediately preceding session of the Legislature, or his designee.

(c) The Chairman of the Assembly Standing Committee on Transportation during the immediately preceding session of the Legislature, or his designee.

(d) The American Civil Liberties Union.

(e) The National Association for the Advancement of Colored People.

(f) The Nevada District Attorneys Association.

(g) The Nevada State Public Defender's Office within the Department of Health and Human Services.

4. The Legislative Auditor shall determine, receive and process any data that the Legislative Auditor determines is necessary for the conduct of the study.

5. Not later than June 30, 2010, the staff of the Legislative Counsel Bureau shall submit a report of the results of the study conducted pursuant to this section and any recommendations for legislation to the Legislative Commission. The Legislative Commission shall submit the report and any recommendations for legislation to the 76th Session of the Nevada Legislature.

6. As used in this section, "racial profiling" has the meaning ascribed to it in NRS 289.820.

Sec. 8. 1. The Legislative Commission shall provide for a study conducted by the staff of the Legislative Counsel Bureau concerning the efficacy of NRS 484.641 and 484.6415, as amended by sections 5 and 6 of this act, respectively.

2. The study must include, without limitation:

(a) An examination of whether and, if so, to what degree, the provisions of NRS 484.641 and 484.6415, as amended by sections 5 and 6 of this act, respectively, and their enforcement, alter:

(1) Morbidity and mortality as among drivers of and passengers in passenger vehicles and taxicabs.



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(2) Costs incurred by individual persons, insurers and medical facilities.

(3) The rate of survival of victims of motor vehicle accidents as among drivers of and passengers in passenger vehicles and taxicabs, depending upon whether those drivers and passengers were wearing safety belts.

(b) An examination of any other matter that the Audit Division of the Legislative Counsel Bureau determines to be relevant to the study.

3. The study described in subsection 2 must be carried out in consultation with:

(a) The Office of Traffic Safety of the Department of Public Safety.

(b) The chairman of the Senate Standing Committee on Energy, Infrastructure and Transportation during the immediately preceding session of the Legislature, or his designee.

(c) The chairman of the Assembly Standing Committee on Transportation during the immediately preceding session of the Legislature, or his designee.

(d) The University of Nevada, Reno.

(e) The University of Nevada, Las Vegas.

(f) State and local law enforcement agencies.

4. The Legislative Auditor shall determine, receive and process any data that the Legislative Auditor determines is necessary for the conduct of the study.

5. Not later than June 30, 2010, the staff of the Legislative Counsel Bureau shall submit a report of the results of the study conducted pursuant to this section and any recommendations for legislation to the Legislative Commission. The Legislative Commission shall submit the report and any recommendations for legislation to the 76th Session of the Nevada Legislature.

Sec. 9. 1. State and local law enforcement agencies, in cooperation with the Department of Transportation, the Department of Motor Vehicles, nonprofit organizations and interested private-sector entities, shall coordinate and conduct a campaign to inform the public of the provisions of NRS 484.641 and 484.6415, as amended by sections 5 and 6 of this act, respectively.

2. Notwithstanding the provisions of NRS 484.641 and 484.6415, as amended by sections 5 and 6 of this act, respectively, during the period beginning on the effective date of this act and ending on July 1, 2011, a peace officer may only issue warnings for primary seat belt offenses and shall not issue citations for primary seat belt offenses.

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)



- 1 **Sec. 12.** 1. This act becomes effective upon passage and
2 approval and expires by limitation on July 1, 2011.
3 2. Section 5 of this act expires by limitation on the date the
4 Federal Government rescinds the requirements for the installation of
5 automatic restraints in new private passenger motor vehicles, if that
6 action is based upon the enactment or continued operation of certain
7 amendatory and transitory provisions contained in chapter 480,
8 Statutes of Nevada 1987.

