

SENATE BILL NO. 156—SENATOR WOODHOUSE

PREFILED FEBRUARY 13, 2017

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to the safe transportation of children. (BDR 43-349)

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 relating to the transportation of children in motor vehicles; providing immunity from civil liability to child passenger safety technicians relating to the provision of or failure to provide certain services regarding child restraint systems in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally requires a person transporting a child who is less than 6 years of age and who weighs 60 pounds or less in a motor vehicle to secure the child in a child restraint system that meets certain requirements. (NRS 484B.157) Existing law also generally requires any other person in a motor vehicle to wear a safety belt while the motor vehicle is being driven. (NRS 484D.495) **Section 2** of this bill increases the age requirements at which a child is required to be secured in a child restraint system to less than 8 years of age and removes the weight requirement. **Section 2** also adds the requirement that the child be less than 57 inches tall. **Section 2** provides immunity from civil liability to a certified child passenger safety technician for providing or failing to provide inspection, adjustment or educational services relating to child restraint systems.

Existing law requires a citation to be issued to any driver or adult passenger who fails to wear a safety belt. In addition, existing law requires a citation to be issued to a driver for failing to require a child who is not required to be secured in a child restraint system to wear a safety belt. However, existing law only allows such citations to be issued if the violation is discovered when the vehicle is halted or the driver arrested for another alleged violation or offense. (NRS 484D.495) **Section 3** of this bill revises the requirements for wearing a seatbelt so that it continues to apply to any child who is not required to be secured in a child restraint system. **Section 3** also makes failure to require a child who is a passenger in a motor vehicle to wear a seatbelt a primary offense, meaning the citation may be issued even if there is no other alleged violation or offense. In addition, **section 3**



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authorizes the citation of the parent or guardian of the child if the parent or guardian was present in, and not the driver of, the motor vehicle while the child was not wearing a safety belt.

Existing law requires a short-term lessor of vehicles who offers or provides a waiver of damages for additional consideration to clearly and conspicuously disclose certain information, including the existing law of this State relating to wearing safety belts. (NRS 482.3156) **Section 1** of this bill revises the content of the required disclosure to reflect the changes made in **sections 2 and 3** regarding the requirements for wearing safety belts and securing a child in a child restraint system.

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

Section 1. NRS 482.3156 is hereby amended to read as follows:

482.3156 A short-term lessor who offers or provides a waiver of damages for any consideration in addition to the rate for lease of a passenger car shall clearly and conspicuously disclose the following information in the lease or a holder in which the lease is placed and on a sign posted at the place where the lessee signs the lease:

1. The nature and extent of the short-term lessee's liability.

2. A statement that the short-term lessee's personal insurance policy may provide coverage for all or a portion of the lessee's potential liability.

3. A statement that the short-term lessee should consult with his or her insurer to determine the scope of insurance coverage.

4. A statement that the short-term lessee may purchase an optional waiver of damages to cover all liability subject to any exception that the short-term lessor includes and that is permitted by NRS 482.31555.

5. The charge for the waiver of damages.

6. A statement that Nevada law requires ~~any~~ :

(a) Any driver of a passenger car and any passenger ~~15~~ 13 years of age or older who rides in the front or back seat of a passenger car to wear a safety belt if one is available for that seating position ~~H~~ ;

(b) Any passenger who is 8 years of age or older but less than 13 years of age to be secured by a safety belt in the manner set forth in subsection 2 of NRS 484B.157; and

(c) Any passenger who is less than 8 years of age and less than 57 inches tall to be secured in a child restraint system described in subsection 1 of NRS 484B.157.

Sec. 2. NRS 484B.157 is hereby amended to read as follows:

484B.157 1. Except as otherwise provided in subsection ~~17~~ **9**, any person who is transporting a child who is less than ~~16~~ 8 years



1 of age and ~~who weighs 60 pounds or~~ less *than 57 inches tall* in a
2 motor vehicle operated in this State which is equipped to carry
3 passengers shall secure the child in a child restraint system which:

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

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

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

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

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

15 2. *Except as otherwise provided in subsection 9, any person*
16 *who is transporting a child who is not required to be secured in a*
17 *child restraint system pursuant to subsection 1 and who is less*
18 *than 13 years of age in a motor vehicle operated in this State*
19 *which is equipped to carry passengers shall secure the child in a*
20 *safety belt in the back seat of the motor vehicle unless the air bag*
21 *on the passenger's side of the front seat, if any, is deactivated and:*

22 (a) *Special health care needs of the child require the child to*
23 *ride in the front seat of the motor vehicle and a written statement*
24 *signed by a physician certifying the requirement is carried in the*
25 *motor vehicle;*

26 (b) *All back seats in the motor vehicle are in use by other*
27 *children who are less than 13 years of age; or*

28 (c) *The motor vehicle is not equipped with back seats.*

29 3. If a defendant pleads or is found guilty of violating the
30 provisions of subsection 1 ~~1~~ *or 2*, the court shall:

31 (a) For a first offense, order the defendant to pay a fine of not
32 less than \$100 or more than \$500 or order the defendant to perform
33 not less than 10 hours or more than 50 hours of community service;

34 (b) For a second offense, order the defendant to pay a fine of not
35 less than \$500 or more than \$1,000 or order the defendant to
36 perform not less than 50 hours or more than 100 hours of
37 community service; and

38 (c) For a third or subsequent offense, suspend the driver's
39 license of the defendant for not less than 30 days or more than 180
40 days.

41 ~~3~~ 4. At the time of sentencing, the court shall provide the
42 defendant with a list of persons and agencies approved by the
43 Department of Public Safety to conduct programs of training and
44 perform inspections of child restraint systems. The list must include,
45 without limitation, an indication of the fee, if any, established by the



1 person or agency pursuant to subsection ~~14-1~~ 5. If, within 60 days
2 after sentencing, a defendant provides the court with proof of
3 satisfactory completion of a program of training provided for in this
4 subsection, the court shall:

5 (a) If the defendant was sentenced pursuant to paragraph (a) of
6 subsection ~~12-1~~ 3, waive the fine or community service previously
7 imposed; or

8 (b) If the defendant was sentenced pursuant to paragraph (b) of
9 subsection ~~12-1~~ 3, reduce by one-half the fine or community service
10 previously imposed.

11 ➤ A defendant is only eligible for a reduction of a fine or
12 community service pursuant to paragraph (b) if the defendant
13 has not had a fine or community service waived pursuant to
14 paragraph (a).

15 ~~14-1~~ 5. A person or agency approved by the Department of
16 Public Safety to conduct programs of training and perform
17 inspections of child restraint systems may, in cooperation with the
18 Department, establish a fee to be paid by defendants who are
19 ordered to complete a program of training. The amount of the fee, if
20 any:

21 (a) Must be reasonable; and

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

25 ➤ A program of training may not be operated for profit.

26 ~~15-1~~ 6. *A person who is currently certified as a child
27 passenger safety technician by the National Child Passenger
28 Safety Certification Training Program and who, in good faith,
29 provides inspection, adjustment or educational services relating to
30 a child restraint system is not liable for any civil damages as a
31 result of any act or omission, not amounting to gross negligence,
32 by that person in providing such services or as a result of any
33 failure to act, not amounting to gross negligence, to provide such
34 services.*

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

37 ~~16-1~~ 8. A violation of this section may not be considered:

38 (a) Negligence in any civil action; or

39 (b) Negligence or reckless driving for the purposes of
40 NRS 484B.653.

41 ~~17-1~~ 9. This section does not apply:

42 (a) To a person who is transporting a child in a means of public
43 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.

~~18-~~ 10. 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.

Sec. 3. NRS 484D.495 is hereby amended to read as follows:

484D.495 1. It is unlawful to drive a passenger car manufactured after:

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

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

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

2. Any person driving, and any passenger who:

(a) Is ~~16~~ 8 years of age or older; or

(b) ~~weighs more than 60 pounds, regardless of age,~~ Is 57 inches tall or more, regardless of age,

who rides in the front or back seat of any vehicle described in subsection 1, having an unladen weight of less than 10,000 pounds, on any highway, road or street in this State shall wear a safety belt if one is available for the seating position of the person or passenger.

3. A citation must be issued to any driver or to any adult passenger who fails to wear a safety belt as required by subsection 2. *A citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense.*

4. If the passenger *who fails to wear a safety belt as required by subsection 2* is a child who:



(a) Is ~~16~~ 8 years of age or older but less than 18 years of age, regardless of *height or* weight; or

(b) Is less than ~~16~~ 8 years of age but who ~~weighs more than 60 pounds,~~ *is 57 inches or taller or more,*

↳ a citation must be issued to the driver for failing to require that child to wear the safety belt ~~;~~ *but if both the driver and that child are not wearing safety belts, only one citation may be issued to the driver for both violations. A citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense.* *and, if the driver is not the parent or guardian of the child, to the parent or guardian of the child if the parent or guardian was present.*

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

~~14~~ 6. A violation of subsection 2:

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

(b) May not be considered as negligence or as causation in any civil action or as negligent or reckless driving under NRS 484B.653.

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

~~15~~ 7. The Department shall exempt those types of motor vehicles or seating positions from the requirements of subsection 1 when compliance would be impractical.

~~16~~ 8. The provisions of subsections 2 ~~and 3~~ *to 5, inclusive,* do not apply:

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

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

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

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

(e) Except as otherwise provided in NRS 484D.500, to a passenger riding in a means of public transportation, including a school bus or emergency vehicle.

~~17~~ 9. It is unlawful for any person to distribute, have for sale, offer for sale or sell any safety belt or shoulder harness assembly for



- 1 use in a motor vehicle unless it meets current minimum standards
- 2 and specifications of the United States Department of
- 3 Transportation.
- 4 **Sec. 4.** This act becomes effective on January 1, 2018.

