

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 219

FINAL READING

Introduced by Flood, 19.

Read first time January 13, 2009

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to highways; to amend section 60-2132, Reissue
2 Revised Statutes of Nebraska, and section 60-6,267,
3 Revised Statutes Cumulative Supplement, 2008; to
4 transfer responsibility for the highway safety program,
5 including the child passenger restraint and occupation
6 protection systems information and education program,
7 to the Department of Roads as prescribed; to harmonize
8 provisions; to provide an operative date; to repeal the
9 original sections; and to declare an emergency.

10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-6,267, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 60-6,267 (1) Any person in Nebraska who drives any motor
4 vehicle which has or is required to have an occupant protection
5 system shall ensure that:

6 (a) All children up to six years of age being transported
7 by such vehicle use a child passenger restraint system of a type
8 which meets Federal Motor Vehicle Safety Standard 213 as developed
9 by the National Highway Traffic Safety Administration, as such
10 standard existed on January 1, ~~2008~~, 2009, and which is correctly
11 installed in such vehicle; and

12 (b) All children six years of age and less than eighteen
13 years of age being transported by such vehicle use an occupant
14 protection system.

15 This subsection shall apply to every motor vehicle which
16 is equipped with an occupant protection system or is required to be
17 equipped with restraint systems pursuant to Federal Motor Vehicle
18 Safety Standard 208, as such standard existed on January 1, ~~2008~~,
19 2009, except taxicabs, mopeds, motorcycles, and any motor vehicle
20 designated by the manufacturer as a 1963 year model or earlier
21 which is not equipped with an occupant protection system.

22 (2) Whenever any licensed physician determines, through
23 accepted medical procedures, that use of a child passenger
24 restraint system by a particular child would be harmful by reason
25 of the child's weight, physical condition, or other medical reason,

1 the provisions of subsection (1) of this section shall be waived.
2 The driver of any vehicle transporting such a child shall carry
3 on his or her person or in the vehicle a signed written statement
4 of the physician identifying the child and stating the grounds for
5 such waiver.

6 (3) The drivers of authorized emergency vehicles shall
7 not be subject to the requirements of subsection (1) of this
8 section when operating such authorized emergency vehicles pursuant
9 to their employment.

10 (4) A driver of a motor vehicle shall not be subject to
11 the requirements of subsection (1) of this section if the motor
12 vehicle is being operated in a parade or exhibition and the parade
13 or exhibition is being conducted in accordance with applicable
14 state law and local ordinances and resolutions.

15 (5) The Department of ~~Motor Vehicles~~ Roads shall develop
16 and implement an ongoing statewide public information and education
17 program regarding the use of child passenger restraint systems and
18 occupant protection systems and the availability of distribution
19 and discount programs for child passenger restraint systems.

20 (6) All persons being transported by a motor vehicle
21 operated by a holder of a provisional operator's permit or a school
22 permit shall use such motor vehicle's occupant protection system.

23 Sec. 2. Beginning on July 1, 2009, the Department of
24 Roads shall assume responsibility for the powers and duties of the
25 highway safety program of the Department of Motor Vehicles, except

1 that the Department of Motor Vehicles shall retain jurisdiction
2 over the Motorcycle Safety Education Act.

3 Sec. 3. Section 60-2132, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 60-2132 There is hereby created a Motorcycle Safety
6 Education Fund in the state treasury which shall consist of
7 money transferred pursuant to sections 39-2215 and 60-4,115 and
8 such money as may be appropriated by the Legislature. The fund
9 shall be administered ~~under the highway safety program of~~ by
10 the department. The fund shall be used for the administration
11 of the Motorcycle Safety Education Act, to reimburse approved
12 schools, businesses, or organizations for conducting approved basic
13 motorcycle safety courses, to provide educational assistance, to
14 prepare sites for offering the basic motorcycle safety course,
15 to reimburse approved schools, businesses, or organizations for
16 conducting approved advanced motorcycle safety courses, and to
17 promote motorcycle safety. Any money in the fund available for
18 investment shall be invested by the state investment officer
19 pursuant to the Nebraska Capital Expansion Act and the Nebraska
20 State Funds Investment Act.

21 Sec. 4. This act becomes operative on July 1, 2009.

22 Sec. 5. Original section 60-2132, Reissue Revised
23 Statutes of Nebraska, and section 60-6,267, Revised Statutes
24 Cumulative Supplement, 2008, are repealed.

25 Sec. 6. Since an emergency exists, this act takes effect

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1 when passed and approved according to law.