

LEGISLATIVE BILL 67

Approved by the Governor February 10, 2011

Introduced by Fischer, 43.

FOR AN ACT relating to occupant protection systems; to amend sections 60-6,267 and 60-6,268, Reissue Revised Statutes of Nebraska; to clarify references to required use of occupant protection systems and related enforcement; and to repeal the original sections.

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

Section 1. Section 60-6,267, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,267 (1) Any person in Nebraska who drives any motor vehicle which has or is required to have an occupant protection system shall ensure that ~~+(a) All~~ all children up to six years of age being transported by such vehicle use a child passenger restraint system of a type which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Traffic Safety Administration, as such standard existed on January 1, 2009, and which is correctly installed in such vehicle. ~~+~~ and

~~(b) All~~ (2) Any person in Nebraska who drives any motor vehicle which has or is required to have an occupant protection system shall ensure that all children six years of age and less than eighteen years of age being transported by such vehicle use an occupant protection system.

(3) Subsections (1) and (2) of this section ~~This subsection shall~~ apply to every motor vehicle which is equipped with an occupant protection system or is required to be equipped with restraint systems pursuant to Federal Motor Vehicle Safety Standard 208, as such standard existed on January 1, 2009, except taxicabs, mopeds, motorcycles, and any motor vehicle designated by the manufacturer as a 1963 year model or earlier which is not equipped with an occupant protection system.

~~(2)~~ (4) Whenever any licensed physician determines, through accepted medical procedures, that use of a child passenger restraint system by a particular child would be harmful by reason of the child's weight, physical condition, or other medical reason, the provisions of subsection (1) or (2) of this section shall be waived. The driver of any vehicle transporting such a child shall carry on his or her person or in the vehicle a signed written statement of the physician identifying the child and stating the grounds for such waiver.

~~(3)~~ (5) The drivers of authorized emergency vehicles shall not be subject to the requirements of subsection (1) or (2) of this section when operating such authorized emergency vehicles pursuant to their employment.

~~(4)~~ (6) A driver of a motor vehicle shall not be subject to the requirements of subsection (1) or (2) of this section if the motor vehicle is being operated in a parade or exhibition and the parade or exhibition is being conducted in accordance with applicable state law and local ordinances and resolutions.

~~(5)~~ (7) The Department of Roads shall develop and implement an ongoing statewide public information and education program regarding the use of child passenger restraint systems and occupant protection systems and the availability of distribution and discount programs for child passenger restraint systems.

~~(6)~~ (8) All persons being transported by a motor vehicle operated by a holder of a provisional operator's permit or a school permit shall use such motor vehicle's occupant protection system.

Sec. 2. Section 60-6,268, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,268 (1) A person violating any provision of subsection (1) or (2) of section 60-6,267 shall be guilty of an infraction as defined in section 29-431 and shall be fined twenty-five dollars for each violation. The failure to provide a child restraint system for more than one child in the same vehicle at the same time, as required in such subsection, shall not be treated as a separate offense.

(2) Enforcement of ~~subdivision (1)(b) and~~ subsection (2) or (8) ~~(6)~~ of section 60-6,267 shall be accomplished only as a secondary action when an operator of a motor vehicle has been cited or charged with a violation or some other offense unless the violation involves a person under the age of eighteen years riding in or on any portion of the vehicle not designed or intended for the use of passengers when the vehicle is in motion.

Sec. 3. Original sections 60-6,267 and 60-6,268, Reissue Revised Statutes of Nebraska, are repealed.