LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 42

FINAL READING

Introduced by Hilkemann, 4.

Read first time January 05, 2017

Committee: Transportation and Telecommunications

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-6,265
and 71-1907, Revised Statutes Cumulative Supplement, 2016, and
section 60-6,267, Revised Statutes Supplement, 2017; to redefine a
term; to change provisions relating to child passenger restraint
requirements; to harmonize provisions; to provide an operative date;
and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 60-6,265, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-6,265 For purposes of sections 60-6,266 to 60-6,273:

(1) Occupant protection system means a system utilizing a lap belt, a shoulder belt, or any combination of belts installed in a motor vehicle which (a) restrains drivers and passengers and (b) conforms to Federal Motor Vehicle Safety Standards, 49 C.F.R. 571.207, 571.208, 571.209, and 571.210, as such standards existed on January 1, 2009, or, as a minimum standard, to the federal motor vehicle safety standards for passenger restraint systems applicable for the motor vehicle's model year; and

(2) Three-point safety belt system means a system utilizing a combination of a lap belt and a shoulder belt installed in a motor vehicle which restrains drivers and passengers.

Sec. 2. Section 60-6,267, Revised Statutes Supplement, 2017, 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 or a three-point safety belt system shall ensure that all children up to eight years of age being transported by such vehicle (a) 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) occupy a seat or seats, other than a front seat, if such seat or seats are so equipped with such passenger restraint system and such seat or seats are not already occupied by a child or children under eight years of age. In addition, all children up to two years of age shall use a rear-facing child passenger restraint system until the child outgrows the child passenger restraint system manufacturer's maximum allowable height or weight.

(2) Any person in Nebraska who drives any motor vehicle which has or is required to have an occupant protection system or a three-point safety
belt system shall ensure that all children eight 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 apply to autocycles and
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.

(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.

(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.

(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.

(7) The Department of Transportation 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.

(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 or a three-point safety belt system.

Sec. 3. Section 71-1907, Revised Statutes Cumulative Supplement, 2016, is amended to read:

71-1907 Any person furnishing foster care who is subject to licensure under section 71-1902 or the Children's Residential Facilities and Placing Licensure Act, when transporting in a motor vehicle any children for whom care is being furnished, shall use an approved child passenger restraint system for each child, except that an occupant protection system or a three-point safety belt system as defined in section 60-6,265 may be used for any child as prescribed in section 60-6,267 six years of age or older.

Any person violating this section shall be guilty of an infraction as defined in section 29-431 and shall have his or her license to furnish foster care revoked or suspended by the Department of Health and Human Services.

For purposes of this section, approved child passenger restraint system shall mean a restraint system which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Traffic Safety Administration, as such standard existed on July 20, 2002.

Sec. 4. This act becomes operative on January 1, 2019.

Sec. 5. Original sections 60-6,265 and 71-1907, Revised Statutes Cumulative Supplement, 2016, and section 60-6,267, Revised Statutes Supplement, 2017, are repealed.