

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 42

FINAL READING

Introduced by Hilkeemann, 4.

Read first time January 05, 2017

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-6,265
2 and 71-1907, Revised Statutes Cumulative Supplement, 2016, and
3 section 60-6,267, Revised Statutes Supplement, 2017; to redefine a
4 term; to change provisions relating to child passenger restraint
5 requirements; to harmonize provisions; to provide an operative date;
6 and to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-6,265, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 60-6,265 For purposes of sections 60-6,266 to 60-6,273:

4 (1) Occupant protection system means a system utilizing a lap belt,
5 a shoulder belt, or any combination of belts installed in a motor vehicle
6 which (a) restrains drivers and passengers and (b) conforms to Federal
7 Motor Vehicle Safety Standards, 49 C.F.R. 571.207, 571.208, 571.209, and
8 571.210, as such standards existed on January 1, 2009, or, as a minimum
9 standard, to the federal motor vehicle safety standards for passenger
10 restraint systems applicable for the motor vehicle's model year; and

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

14 Sec. 2. Section 60-6,267, Revised Statutes Supplement, 2017, is
15 amended to read:

16 60-6,267 (1) Any person in Nebraska who drives any motor vehicle
17 which has or is required to have an occupant protection system or a
18 three-point safety belt system shall ensure that all children up to eight
19 ~~six~~ years of age being transported by such vehicle (a) use a child
20 passenger restraint system of a type which meets Federal Motor Vehicle
21 Safety Standard 213 as developed by the National Highway Traffic Safety
22 Administration, as such standard existed on January 1, 2009, and which is
23 correctly installed in such vehicle and (b) occupy a seat or seats, other
24 than a front seat, if such seat or seats are so equipped with such
25 passenger restraint system and such seat or seats are not already
26 occupied by a child or children under eight years of age. In addition,
27 all children up to two years of age shall use a rear-facing child
28 passenger restraint system until the child outgrows the child passenger
29 restraint system manufacturer's maximum allowable height or weight.

30 (2) Any person in Nebraska who drives any motor vehicle which has or
31 is required to have an occupant protection system or a three-point safety

1 belt system shall ensure that all children eight ~~six~~ years of age and
2 less than eighteen years of age being transported by such vehicle use an
3 occupant protection system.

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

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

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

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

28 (7) The Department of Transportation shall develop and implement an
29 ongoing statewide public information and education program regarding the
30 use of child passenger restraint systems and occupant protection systems
31 and the availability of distribution and discount programs for child

1 passenger restraint systems.

2 (8) All persons being transported by a motor vehicle operated by a
3 holder of a provisional operator's permit or a school permit shall use
4 such motor vehicle's occupant protection system or a three-point safety
5 belt system.

6 Sec. 3. Section 71-1907, Revised Statutes Cumulative Supplement,
7 2016, is amended to read:

8 71-1907 Any person furnishing foster care who is subject to
9 licensure under section 71-1902 or the Children's Residential Facilities
10 and Placing Licensure Act, when transporting in a motor vehicle any
11 children for whom care is being furnished, shall use an approved child
12 passenger restraint system for each child, except that an occupant
13 protection system or a three-point safety belt system as defined in
14 section 60-6,265 may be used for any child as prescribed in section
15 60-6,267 ~~six years of age or older.~~

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

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

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

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