

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

January 14, 2004 LB 227

Senator Beutler pointed out to me that possibly, really, this covers this whole issue, whether you're in the bed of a pickup truck or in a car. And, Senator Beutler, you've done some research on this, and I would yield my time to you to talk about that a little bit.

SENATOR CUDABACK: Senator Beutler, you have about two and a half minutes.

SENATOR BEUTLER: Senator, thank you. I've discussed with Senator Aguilar and Senator Byars what appears to be some overlapping of the law. And perhaps the...it would be beneficial to get together and talk about the two laws and how they interact, because under the current law, as it applies to children and the requirement that they be in restraints, it says, any person in Nebraska who drives any motor vehicle--and of course, a pickup is a motor vehicle--which has or is required to have an occupant protection system--and all pickups after I think it's 1973 are required to have protection systems--and then it says, shall ensure that, and subsection (b) says, all children less...six years of age and less than 16 years of age being transported, being transported--doesn't say in the passenger section or out of it--it says, being transported in such vehicle are required to use an occupant protection system.

SENATOR CUDABACK: One minute.

SENATOR BEUTLER: So I was making the argument to Senator Byars that the current law that we have in place, at least with respect to those that are under 16--but it doesn't pick up Senator Aguilar's category of 16 to 18--at least with respect to those that are under 16, currently prohibits a child loose in the cargo section of a pickup. And I called our sheriff in Lancaster County, and our chief of police in Lancaster County--or, I should say, I had them called--and curiously, the city chief is enforcing the seat belt law with respect to kids in the back of pickups, and they haul them right out of there. The sheriff didn't understand the law, wasn't sure whether the law applied or not to kids under 16 who were in a pickup. So obviously, we have a situation where...