

SENATE BILL NO. 145—SENATOR SCHNEIDER

FEBRUARY 17, 2009

Referred to Committee on Energy, Infrastructure and Transportation

SUMMARY—Makes various changes relating to motor vehicle and traffic safety. (BDR 43-63)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to motor vehicles; making a person’s failure to wear a safety belt in a motor vehicle a primary offense for which the vehicle may be halted and the violator arrested; making various other changes regarding the use of safety belts in motor vehicles; providing for the imposition of an increased fine for subsequent violations; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 This bill removes the provision of existing law which prohibits the issuance of
2 a citation for failure to wear a safety belt in a passenger car or taxicab unless such
3 vehicle is stopped or the person is arrested for another offense. By removing this
4 provision, the bill allows the issuance of a citation for such a violation even absent
5 any other conduct (that is, as a “primary offense”). (NRS 484.641, 484.6415)

6 This bill also makes it a violation of law for the driver of a taxicab to fail to
7 ensure that a child passenger is wearing a safety belt, provided that the child is of
8 such a size and weight as to be required to wear a safety belt. (NRS 484.6415)

1 WHEREAS, A mandatory safety belt law will contribute to
2 reducing highway deaths and injuries by encouraging greater usage
3 of existing manual seatbelts; and

4 WHEREAS, Automatic crash protection systems which require no
5 action by vehicle occupants offer the best hope of reducing the
6 number of deaths and injuries resulting from motor vehicle
7 accidents; and



1 WHEREAS, Encouraging the use of safety belts is only a partial
2 remedy for addressing the major cause of deaths and injuries
3 resulting from motor vehicle accidents; and

4 WHEREAS, The Legislature declares that the enactment of a
5 mandatory safety belt law is intended to be compatible with support
6 for federal safety standards requiring automatic crash protection
7 systems and should not be used in any manner to encourage the
8 rescission of federal requirements for installation of automatic
9 restraints in new motor vehicles; now therefore,

10
11 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
12 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
13

14 **Section 1.** NRS 484.641 is hereby amended to read as follows:
15 484.641 1. It is unlawful to drive a passenger car
16 manufactured after:

17 (a) January 1, 1968, on a highway unless it is equipped with at
18 least two lap-type safety belt assemblies for use in the front seating
19 positions.

20 (b) January 1, 1970, on a highway ~~§~~ unless it is equipped with a
21 lap-type safety belt assembly for each permanent seating position
22 for passengers. This requirement does not apply to the rear seats of
23 vehicles operated by a police department or sheriff's office.

24 (c) January 1, 1970, unless it is equipped with at least two
25 shoulder-harness-type safety belt assemblies for use in the front
26 seating positions.

27 2. Any person driving, and any passenger who:

28 (a) Is 6 years of age or older; or

29 (b) Weighs more than 60 pounds, regardless of age,
30 ↪ who rides in the front or back seat of any vehicle described in
31 subsection 1, having an unladen weight of less than 10,000 pounds,
32 on any highway, road or street in this State shall wear a safety belt if
33 one is available for his seating position.

34 3. A citation must be issued to any driver or to any adult
35 passenger who fails to wear a safety belt as required by subsection
36 2. If the passenger is a child who:

37 (a) Is 6 years of age or older but less than 18 years of age,
38 regardless of weight; or

39 (b) Is less than 6 years of age but who weighs more than 60
40 pounds,

41 ↪ a citation must be issued to the driver for his failure to require
42 that child to wear the safety belt, but if both the driver and that child
43 are not wearing safety belts, only one citation may be issued to the
44 driver for both violations. ~~[A citation may be issued pursuant to this
45 subsection only if the violation is discovered when the vehicle is~~



1 ~~halted or its driver arrested for another alleged violation or offense.]~~
2 Any person who violates the provisions of subsection 2 shall be
3 punished by a fine of not more than \$25 ~~[or by a sentence to~~
4 ~~perform a certain number of hours of community service.]~~ *for a first*
5 *offense and not more than \$50 for each subsequent offense.*

6 4. A violation of subsection 2:

7 (a) Is not a moving traffic violation under NRS 483.473.

8 (b) May not be considered as negligence or as causation in any
9 civil action or as negligent or reckless driving under NRS 484.377.

10 (c) May not be considered as misuse or abuse of a product or as
11 causation in any action brought to recover damages for injury to a
12 person or property resulting from the manufacture, distribution, sale
13 or use of a product.

14 5. The Department shall exempt those types of motor vehicles
15 or seating positions from the requirements of subsection 1 when
16 compliance would be impractical.

17 6. The provisions of subsections 2 and 3 do not apply:

18 (a) To a driver or passenger who possesses a written statement
19 by a physician certifying that he is unable to wear a safety belt for
20 medical or physical reasons;

21 (b) If the vehicle is not required by federal law to be equipped
22 with safety belts;

23 (c) To an employee of the United States Postal Service while
24 delivering mail in the rural areas of this State;

25 (d) If the vehicle is stopping frequently, the speed of that vehicle
26 does not exceed 15 miles per hour between stops and the driver or
27 passenger is frequently leaving the vehicle or delivering property
28 from the vehicle; or

29 (e) Except as otherwise provided in NRS 484.6415, to a
30 passenger riding in a means of public transportation, including a
31 school bus or emergency vehicle.

32 7. It is unlawful for any person to distribute, have for sale,
33 offer for sale or sell any safety belt or shoulder harness assembly for
34 use in a motor vehicle unless it meets current minimum standards
35 and specifications of the United States Department of
36 Transportation.

37 **Sec. 2.** NRS 484.6415 is hereby amended to read as follows:

38 484.6415 1. ~~[Any passenger 18]~~ *Except as otherwise*
39 *provided in subsection 2, any passenger who:*

40 (a) *Is 6 years of age or older ; or*

41 (b) *Weights more than 60 pounds, regardless of age,*

42 *who rides in the front or back seat of any taxicab on any*
43 *highway, road or street in this State shall wear a safety belt if one is*
44 *available for his seating position . ~~[, except that this subsection does]~~*

45 *2. The provisions of subsection 1 do not apply:*



1 (a) To a passenger who possesses a written statement by a
2 physician certifying that he is unable to wear a safety belt for
3 medical or physical reasons; or

4 (b) If the taxicab was not required by federal law at the time of
5 initial sale to be equipped with safety belts.

6 ~~[2.]~~ **3.** A citation must be issued to any passenger who violates
7 the provisions of subsection 1. ~~[A citation may be issued pursuant to~~
8 ~~this subsection only if the violation is discovered when the vehicle is~~
9 ~~halted or its driver arrested for another alleged violation or offense.]~~
10 *If the passenger is a child who:*

11 (a) *Is 6 years of age or older but less than 18 years of age,*
12 *regardless of weight; or*

13 (b) *Is less than 6 years of age but who weighs more than 60*
14 *pounds,*

15 *↳ a citation must be issued to the driver for his failure to require*
16 *that child to wear the safety belt.* Any person who violates the
17 provisions of subsection 1 shall be punished by a fine of not more
18 than \$25 ~~[or by a sentence to perform a certain number of hours of~~
19 ~~community service.~~

20 ~~—3.]~~ *for a first offense and not more than \$50 for any*
21 *subsequent offense.*

22 **4.** A violation of subsection 1:

23 (a) Is not a moving traffic violation under NRS 483.473.

24 (b) May not be considered as negligence or as causation in any
25 civil action or as negligent or reckless driving under NRS 484.377.

26 (c) May not be considered as misuse or abuse of a product or as
27 causation in any action brought to recover damages for injury to a
28 person or property resulting from the manufacture, distribution, sale
29 or use of a product.

30 ~~[4.]~~ **5.** An owner or operator of a taxicab shall post a sign
31 within each of his taxicabs advising passengers that they must wear
32 safety belts while being transported by the taxicab. Such a sign must
33 be placed within the taxicab so as to be visible to and easily readable
34 by passengers, except that this subsection does not apply if the
35 taxicab was not required by federal law at the time of initial sale to
36 be equipped with safety belts.

37 **Sec. 3.** This act becomes effective upon passage and approval.

