

SENATE BILL NO. 116—COMMITTEE ON ENERGY,  
INFRASTRUCTURE AND TRANSPORTATION

FEBRUARY 3, 2009

Referred to Committee on Energy, Infrastructure and Transportation

SUMMARY—Makes failure to wear a safety belt in a motor vehicle a primary offense. (BDR 43-20)

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 traffic laws; deleting the provision which limits the issuance of a citation for a person’s failure to wear a safety belt in a motor vehicle; 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 motor vehicle unless the vehicle is  
3 stopped or the person is arrested for another offense. (NRS 484.641, 484.6415) By  
4 removing that provision, this bill allows the issuance of a citation for such a  
5 violation even absent any other conduct.

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

1 **Section 1.** NRS 484.641 is hereby amended to read as follows:  
2 484.641 1. It is unlawful to drive a passenger car  
3 manufactured after:  
4 (a) January 1, 1968, on a highway unless it is equipped with at  
5 least two lap-type safety belt assemblies for use in the front seating  
6 positions.  
7 (b) January 1, 1970, on a highway [ ] unless it is equipped with a  
8 lap-type safety belt assembly for each permanent seating position  
9 for passengers. This requirement does not apply to the rear seats of  
10 vehicles operated by a police department or sheriff’s office.



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

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

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

6 (b) Weighs more than 60 pounds, regardless of age,

7 ↪ who rides in the front or back seat of any vehicle described in  
8 subsection 1, having an unladen weight of less than 10,000 pounds,  
9 on any highway, road or street in this State shall wear a safety belt if  
10 one is available for his seating position.

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

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

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

18 ↪ a citation must be issued to the driver for his failure to require  
19 that child to wear the safety belt, but if both the driver and that child  
20 are not wearing safety belts, only one citation may be issued to the  
21 driver for both violations. ~~[A citation may be issued pursuant to this  
22 subsection only if the violation is discovered when the vehicle is  
23 halted or its driver arrested for another alleged violation or offense.]~~

24 Any person who violates the provisions of subsection 2 shall be  
25 punished by a fine of not more than \$25 or by a sentence to perform  
26 a certain number of hours of community service.

27 4. A violation of subsection 2:

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

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

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

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

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

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

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

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



1 (d) If the vehicle is stopping frequently, the speed of that vehicle  
2 does not exceed 15 miles per hour between stops and the driver or  
3 passenger is frequently leaving the vehicle or delivering property  
4 from the vehicle; or

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

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

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

14 484.6415 1. Any passenger 18 years of age or older who  
15 rides in the front or back seat of any taxicab on any highway, road  
16 or street in this State shall wear a safety belt if one is available for  
17 his seating position, except that this subsection does not apply:

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

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

23 2. A citation must be issued to any passenger who violates the  
24 provisions of subsection 1. ~~[A citation may be issued pursuant to  
25 this subsection only if the violation is discovered when the vehicle is  
26 halted or its driver arrested for another alleged violation or offense.]~~  
27 Any person who violates the provisions of subsection 1 shall be  
28 punished by a fine of not more than \$25 or by a sentence to perform  
29 a certain number of hours of community service.

30 3. A violation of subsection 1:

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

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

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

38 4. An owner or operator of a taxicab shall post a sign within  
39 each of his taxicabs advising passengers that they must wear safety  
40 belts while being transported by the taxicab. Such a sign must be  
41 placed within the taxicab so as to be visible to and easily readable  
42 by passengers, except that this subsection does not apply if the  
43 taxicab was not required by federal law at the time of initial sale to  
44 be equipped with safety belts.



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

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