

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 254

Introduced By: Aguilar, 35; Johnson, 37; McDonald, 41; Nantkes,
46; Stuthman, 22

Read first time: January 10, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to motor vehicles; to amend section 60-6,268,
2 Reissue Revised Statutes of Nebraska, and section 60-6,267,
3 Revised Statutes Cumulative Supplement, 2006; to change
4 provisions relating to use of child passenger restraint
5 systems and occupant protection systems and enforcement of
6 such provisions; and to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-6,267, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 60-6,267. ~~(1)~~ (1)(a) Any person in Nebraska who drives
4 any motor vehicle which has or is required to have an occupant
5 protection system shall ensure that:

6 ~~(a)~~ (i) All children up to ~~six~~ eight years of age
7 being transported by such vehicle use a child passenger restraint
8 system of a type which meets Federal Motor Vehicle Safety Standard 213
9 as developed by the National Highway Traffic Safety Administration, as
10 such standard existed on January 1, 2006, and which is correctly
11 installed and used in such vehicle; and

12 ~~(b)~~ (ii) All children ~~six~~ eight years of age and
13 less than eighteen years of age being transported by such vehicle use
14 an occupant protection system.

15 (b) This subsection shall apply to every motor vehicle
16 which is equipped with an occupant protection system or is required to
17 be equipped with restraint systems pursuant to Federal Motor Vehicle
18 Safety Standard 208, as such standard existed on January 1, 2006,
19 except taxicabs, mopeds, motorcycles, and any motor vehicle designated
20 by the manufacturer as a 1963 year model or earlier which is not
21 equipped with an occupant protection system.

22 (c) For purposes of this subsection, correctly installed
23 and used means installed and used in accordance with the instructions
24 provided, if any, by the manufacturer of the motor vehicle and the
25 manufacturer of the child passenger restraint system.

26 (2) Whenever any licensed physician determines, through
27 accepted medical procedures, that use of a child passenger restraint

1 system by a particular child would be harmful by reason of the child's
2 weight, physical condition, or other medical reason, the provisions of
3 subsection (1) of this section shall be waived. The driver of any
4 vehicle transporting such a child shall carry on his or her person or
5 in the vehicle a signed written statement of the physician identifying
6 the child and stating the grounds for such waiver.

7 (3) The drivers of authorized emergency vehicles shall not
8 be subject to the requirements of subsection (1) of this section when
9 operating such authorized emergency vehicles pursuant to their
10 employment.

11 (4) A driver of a motor vehicle shall not be subject to the
12 requirements of subsection (1) of this section if the motor vehicle is
13 being operated in a parade or exhibition and the parade or exhibition
14 is being conducted in accordance with applicable state law and local
15 ordinances and resolutions.

16 (5) The Department of Motor Vehicles shall develop and
17 implement an ongoing statewide public information and education
18 program regarding the use of child passenger restraint systems and
19 occupant protection systems and the availability of distribution and
20 discount programs for child passenger restraint systems.

21 (6) All persons being transported by a motor vehicle
22 operated by a holder of a provisional operator's permit or a school
23 permit shall use such motor vehicle's occupant protection system.

24 Sec. 2. Section 60-6,268, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 60-6,268. (1) A person violating any provision of subsection
27 (1) of section 60-6,267 shall be guilty of an infraction as defined in

1 section 29-431 and shall be fined twenty-five dollars for each
2 violation. The failure to provide a child restraint system for more
3 than one child in the same vehicle at the same time, as required in
4 such subsection, shall not be treated as a separate offense.

5 (2) Enforcement of subdivision ~~(1)(b)~~ (1)(a)(ii) and
6 subsection (6) of section 60-6,267 shall be accomplished only as a
7 secondary action when an operator of a motor vehicle has been cited or
8 charged with a violation or some other offense unless the violation
9 involves a person under the age of eighteen years riding in or on any
10 portion of the vehicle not designed or intended for the use of
11 passengers when the vehicle is in motion.

12 (3) If a person violating any provision of subsection (1)
13 of section 60-6,267 attends a child passenger safety fitting station
14 or checkup event or has an inspection conducted by a person who holds
15 current certification by a national organization as a child passenger
16 safety technician and presents evidence of such attendance or
17 inspection to a city attorney or county attorney prior to any
18 scheduled court appearance in the matter, the city attorney or county
19 attorney may dismiss any pending prosecution for such violation
20 without cost to the violator.

21 Sec. 3. Original section 60-6,268, Reissue Revised Statutes
22 of Nebraska, and section 60-6,267, Revised Statutes Cumulative
23 Supplement, 2006, are repealed.