

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 219**

Introduced by Flood, 19.

Read first time January 13, 2009

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to highways; to amend section 60-2132, Reissue  
2 Revised Statutes of Nebraska, and section 60-6,267,  
3 Revised Statutes Cumulative Supplement, 2008; to  
4 transfer responsibility for the highway safety program,  
5 including the child passenger restraint and occupation  
6 protection systems information and education program,  
7 to the Department of Roads as prescribed; to change  
8 administration of the Motorcycle Safety Education Fund as  
9 prescribed; to provide an operative date; to repeal the  
10 original sections; and to declare an emergency.  
11 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 60-6,267, Revised Statutes Cumulative  
2 Supplement, 2008, is amended to read:

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

6           (a) All children up to six years of age being transported  
7 by such vehicle use a child passenger restraint system of a type  
8 which meets Federal Motor Vehicle Safety Standard 213 as developed  
9 by the National Highway Traffic Safety Administration, as such  
10 standard existed on January 1, ~~2008~~, 2009, and which is correctly  
11 installed in such vehicle; and

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

15           This subsection shall apply to every motor vehicle which  
16 is equipped with an occupant protection system or is required to be  
17 equipped with restraint systems pursuant to Federal Motor Vehicle  
18 Safety Standard 208, as such standard existed on January 1, ~~2008~~,  
19 2009, except taxicabs, mopeds, motorcycles, and any motor vehicle  
20 designated by the manufacturer as a 1963 year model or earlier  
21 which is not equipped with an occupant protection system.

22           (2) Whenever any licensed physician determines, through  
23 accepted medical procedures, that use of a child passenger  
24 restraint system by a particular child would be harmful by reason  
25 of the child's weight, physical condition, or other medical reason,

1 the provisions of subsection (1) of this section shall be waived.  
2 The driver of any vehicle transporting such a child shall carry  
3 on his or her person or in the vehicle a signed written statement  
4 of the physician identifying the child and stating the grounds for  
5 such waiver.

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

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

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

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

23 Sec. 2. Beginning on July 1, 2009, the Department of  
24 Roads shall assume responsibility for the powers and duties of the  
25 highway safety program of the Department of Motor Vehicles, except

1 that the Department of Motor Vehicles shall retain jurisdiction  
2 over the Motorcycle Safety Education Act.

3           Sec. 3. Section 60-2132, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           60-2132 There is hereby created a Motorcycle Safety  
6 Education Fund in the state treasury which shall consist of  
7 money transferred pursuant to sections 39-2215 and 60-4,115 and  
8 such money as may be appropriated by the Legislature. The fund  
9 shall be administered ~~under the highway safety program of~~ by  
10 the department. The fund shall be used for the administration  
11 of the Motorcycle Safety Education Act, to reimburse approved  
12 schools, businesses, or organizations for conducting approved basic  
13 motorcycle safety courses, to provide educational assistance, to  
14 prepare sites for offering the basic motorcycle safety course,  
15 to reimburse approved schools, businesses, or organizations for  
16 conducting approved advanced motorcycle safety courses, and to  
17 promote motorcycle safety. Any money in the fund available for  
18 investment shall be invested by the state investment officer  
19 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
20 State Funds Investment Act.

21           Sec. 4. This act becomes operative on July 1, 2009.

22           Sec. 5. Original section 60-2132, Reissue Revised  
23 Statutes of Nebraska, and section 60-6,267, Revised Statutes  
24 Cumulative Supplement, 2008, are repealed.

25           Sec. 6. Since an emergency exists, this act takes effect

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1 when passed and approved according to law.