

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 67

Introduced by Fischer, 43.

Read first time January 06, 2011

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to occupant protection systems; to amend sections
2 60-6,267 and 60-6,268, Reissue Revised Statutes of
3 Nebraska; to clarify references to required use of
4 occupant protection systems and related enforcement; and
5 to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-6,267, Reissue Revised Statutes of
2 Nebraska, 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: ~~(a) All~~ all children up to six years of age
6 being transported by such vehicle use a child passenger restraint
7 system of a type which meets Federal Motor Vehicle Safety Standard
8 213 as developed by the National Highway Traffic Safety
9 Administration, as such standard existed on January 1, 2009, and
10 which is correctly installed in such vehicle. ~~;~~ and

11 ~~(b) All~~ (2) Any person in Nebraska who drives any motor
12 vehicle which has or is required to have an occupant protection
13 system shall ensure that all children six years of age and less than
14 eighteen years of age being transported by such vehicle use an
15 occupant protection system.

16 (3) Subsections (1) and (2) of this section ~~This~~
17 ~~subsection shall~~ apply to every motor vehicle which is equipped with
18 an occupant protection system or is required to be equipped with
19 restraint systems pursuant to Federal Motor Vehicle Safety Standard
20 208, as such standard existed on January 1, 2009, except taxicabs,
21 mopeds, motorcycles, and any motor vehicle designated by the
22 manufacturer as a 1963 year model or earlier which is not equipped
23 with an occupant protection system.

24 ~~(2)~~ (4) Whenever any licensed physician determines,
25 through accepted medical procedures, that use of a child passenger

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

8 ~~(3)~~(5) The drivers of authorized emergency vehicles
9 shall not be subject to the requirements of subsection (1) or (2) of
10 this section when operating such authorized emergency vehicles
11 pursuant to their employment.

12 ~~(4)~~(6) A driver of a motor vehicle shall not be subject
13 to the requirements of subsection (1) or (2) of this section if the
14 motor vehicle is being operated in a parade or exhibition and the
15 parade or exhibition is being conducted in accordance with applicable
16 state law and local ordinances and resolutions.

17 ~~(5)~~(7) The Department of Roads shall develop and
18 implement an ongoing statewide public information and education
19 program regarding the use of child passenger restraint systems and
20 occupant protection systems and the availability of distribution and
21 discount programs for child passenger restraint systems.

22 ~~(6)~~(8) All persons being transported by a motor vehicle
23 operated by a holder of a provisional operator's permit or a school
24 permit shall use such motor vehicle's occupant protection system.

25 Sec. 2. Section 60-6,268, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 60-6,268 (1) A person violating any provision of
3 subsection (1) or (2) of section 60-6,267 shall be guilty of an
4 infraction as defined in section 29-431 and shall be fined twenty-
5 five dollars for each violation. The failure to provide a child
6 restraint system for more than one child in the same vehicle at the
7 same time, as required in such subsection, shall not be treated as a
8 separate offense.

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

16 Sec. 3. Original sections 60-6,267 and 60-6,268, Reissue
17 Revised Statutes of Nebraska, are repealed.