

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 669

Introduced by Krist, 10.

Read first time January 06, 2016

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend
2 section 60-6,268, Revised Statutes Cumulative Supplement, 2014,
3 sections 60-6,265, 60-6,267, and 60-6,270, Revised Statutes
4 Supplement, 2015; to update federal references; to change and
5 eliminate provisions relating to the use and enforcement of occupant
6 protection systems; to repeal the original sections; and to outright
7 repeal section 60-6,271, Reissue Revised Statutes of Nebraska.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-6,265, Revised Statutes Annual Supplement,
2 2015, is amended to read:

3 60-6,265 For purposes of sections 60-6,266 to 60-6,273:

4 (1) Occupant protection system means a system utilizing a lap belt,
5 a shoulder belt, or any combination of belts installed in a motor vehicle
6 which (a) restrains drivers and passengers and (b) conforms to Federal
7 Motor Vehicle Safety Standards, 49 C.F.R. 571.207, 571.208, 571.209, and
8 571.210, as such standards existed on January 1, 2016 ~~2009~~, or to the
9 federal motor vehicle safety standards for passenger restraint systems
10 applicable for the motor vehicle's model year; and

11 (2) Three-point safety belt system means a system utilizing a
12 combination of a lap belt and a shoulder belt installed in a motor
13 vehicle which restrains drivers and passengers.

14 Sec. 2. Section 60-6,267, Revised Statutes Annual Supplement, 2015,
15 is amended to read:

16 60-6,267 (1) Any person in Nebraska who drives any motor vehicle
17 which has or is required to have an occupant protection system or a
18 three-point safety belt system shall ensure that all children up to six
19 years of age being transported by such vehicle use a child passenger
20 restraint system of a type which meets Federal Motor Vehicle Safety
21 Standard 213 as developed by the National Highway Traffic Safety
22 Administration, as such standard existed on January 1, 2016 ~~2009~~, and
23 which is correctly installed in such vehicle.

24 (2) Any person in Nebraska who drives any motor vehicle which has or
25 is required to have an occupant protection system or a three-point safety
26 belt system shall ensure that all children six years of age and less than
27 eighteen years of age being transported by such vehicle use an occupant
28 protection system.

29 (3) Subsections (1) and (2) of this section apply to autocycles and
30 to every motor vehicle which is equipped with an occupant protection
31 system or is required to be equipped with restraint systems pursuant to

1 Federal Motor Vehicle Safety Standard 208, as such standard existed on
2 January 1, 2016 ~~2009~~, except taxicabs, mopeds, motorcycles, and any motor
3 vehicle designated by the manufacturer as a 1963 year model or earlier
4 which is not equipped with an occupant protection system.

5 (4) Whenever any licensed physician determines, through accepted
6 medical procedures, that use of a child passenger restraint system by a
7 particular child would be harmful by reason of the child's weight,
8 physical condition, or other medical reason, the provisions of subsection
9 (1) or (2) of this section shall be waived. The driver of any vehicle
10 transporting such a child shall carry on his or her person or in the
11 vehicle a signed written statement of the physician identifying the child
12 and stating the grounds for such waiver.

13 (5) The drivers of authorized emergency vehicles shall not be
14 subject to the requirements of subsection (1) or (2) of this section when
15 operating such authorized emergency vehicles pursuant to their
16 employment.

17 (6) A driver of a motor vehicle shall not be subject to the
18 requirements of subsection (1) or (2) of this section if the motor
19 vehicle is being operated in a parade or exhibition and the parade or
20 exhibition is being conducted in accordance with applicable state law and
21 local ordinances and resolutions.

22 (7) The Department of Roads shall develop and implement an ongoing
23 statewide public information and education program regarding the use of
24 child passenger restraint systems and occupant protection systems and the
25 availability of distribution and discount programs for child passenger
26 restraint systems.

27 (8) All persons being transported by a motor vehicle operated by a
28 holder of a provisional operator's permit or a school permit shall use
29 such motor vehicle's occupant protection system or a three-point safety
30 belt system.

31 Sec. 3. Section 60-6,268, Revised Statutes Cumulative Supplement,

1 2014, is amended to read:

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

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

14 Sec. 4. Section 60-6,270, Revised Statutes Annual Supplement, 2015,
15 is amended to read:

16 60-6,270 (1) Except as provided in subsection (2) or (3) of this
17 section, no driver shall operate a motor vehicle upon a highway or street
18 in this state unless the driver and each ~~front-seat~~ occupant in the motor
19 vehicle are wearing occupant protection systems and all occupant
20 protection systems worn are properly adjusted and fastened.

21 (2) Except as otherwise provided in subsection (3) of this section,
22 no driver shall operate an autocycle upon a highway or street of this
23 state unless the driver is wearing a three-point safety belt system and
24 it is properly adjusted and fastened.

25 (3) The following persons shall not be required to wear an occupant
26 protection system or a three-point safety belt system:

27 (a) A person who possesses written verification from a physician
28 that the person is unable to wear an occupant protection system or a
29 three-point safety belt system for medical reasons;

30 (b) A rural letter carrier of the United States Postal Service while
31 performing his or her duties as a rural letter carrier between the first

1 and last delivery points; and

2 (c) A member of an emergency medical service while involved in
3 patient care.

4 (4) For purposes of this section, motor vehicle means a vehicle
5 required by section 60-6,266 to be equipped with an occupant protection
6 system or a three-point safety belt system.

7 Sec. 5. Original section 60-6,268, Revised Statutes Cumulative
8 Supplement, 2014, and sections 60-6,265, 60-6,267, and 60-6,270, Revised
9 Statutes Supplement, 2015, are repealed.

10 Sec. 6. The following section is outright repealed: Section
11 60-6,271, Reissue Revised Statutes of Nebraska.