

AMENDMENTS TO LB 410

1           1.     Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           "Section 1. Section 60-6,267, Reissue Revised Statutes  
4 of Nebraska, is amended to read:

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

8           (a) All children under the age of ~~four or~~ five and  
9 weighing less than forty pounds being transported in such vehicle  
10 use a child passenger restraint system of a type which meets  
11 Federal Motor Vehicle Safety Standard 213 as developed by the  
12 National Highway Traffic Safety Administration as of July 10, 1990,  
13 and which is correctly installed in such vehicle; and

14           (b) All children under the age of five and weighing forty  
15 or more pounds ~~or at least four years of age and younger than five~~  
16 ~~years of age~~ being transported in such vehicle use an occupant  
17 protection system.

18           This subsection shall apply to every motor vehicle which  
19 is equipped with an occupant protection system or is required to be  
20 equipped with restraint systems pursuant to Federal Motor Vehicle  
21 Safety Standard 208 except taxicabs, mopeds, motorcycles, and any  
22 motor vehicle designated by the manufacturer as a 1963 year model  
23 or earlier which is not equipped with an occupant protection  
24 system.

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

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

14                   (4) The Department of Motor Vehicles shall develop and  
15 implement an ongoing public information and education program  
16 regarding the use of child passenger restraint systems and occupant  
17 protection systems.

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

20                   60-6,268.   (1) A person violating any provision of  
21 subsection (1) of section 60-6,267 shall, for a first offense, be  
22 guilty of an infraction as defined in section 29-431 and shall be  
23 fined twenty-five dollars for each violation. The failure to  
24 provide a child restraint system for more than one child in the  
25 same vehicle at the same time, as required in such subsection,  
26 shall not be treated as a separate offense.

27                   ~~Any~~ For a first offense, a person who is charged with a

1 violation of such subsection, who does not have in his or her  
2 possession a child restraint system meeting the requirements of  
3 Federal Motor Vehicle Safety Standard 213 as of August 26, 1983,  
4 and who subsequently purchases or rents for a one-year period such  
5 a system prior to his or her court appearance shall not, upon  
6 presentation of proof of purchase or proof of rental for a one-year  
7 period of such a system, ~~be able to utilize such presentation as an~~  
8 ~~absolute defense and cause for dismissal of such charge~~ have any  
9 fine imposed and shall not have any points assessed against his or  
10 her driving record.

11 For a second or any subsequent offense, any person  
12 violating such subsection shall be guilty of an infraction.

13 (2) A person who has acquired the statement authorized by  
14 subsection (2) of section 60-6,267, but fails to show a peace  
15 officer such statement when requested to do so, shall be guilty of  
16 an infraction as defined in section 29-431 and shall be fined ten  
17 dollars for each offense. The failure to produce a statement for  
18 more than one child in the same vehicle at the same time shall not  
19 be treated as a separate offense.

20 Sec. 3. Section 71-1907, Revised Statutes Supplement,  
21 1998, is amended to read:

22 71-1907. Any person furnishing foster care who is  
23 subject to licensure under section 71-1902, when transporting in a  
24 motor vehicle any children for whom care is being furnished, shall  
25 use an approved child passenger restraint system for each child,  
26 except that an occupant protection system as defined in section  
27 60-6,265 may be used for any child weighing forty or more pounds.

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1 ~~or four years of age or more.~~

2           Any person violating this section shall be guilty of an  
3 infraction as defined in section 29-431 and shall have his or her  
4 license to furnish foster care revoked or suspended by the  
5 Department of Health and Human Services.

6           For purposes of this section, approved child passenger  
7 restraint system shall mean a restraint system which meets Federal  
8 Motor Vehicle Safety Standard 213 as developed by the National  
9 Highway Traffic Safety Administration as of July 17, 1982.

10           Sec. 4. Original sections 60-6,267 and 60-6,268, Reissue  
11 Revised Statutes of Nebraska, and section 71-1907, Revised Statutes  
12 Supplement, 1998, are repealed."