

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 410

Introduced by Baker, 44; Hudkins, 21; Schmitt, 41

Read first time January 13, 1999

Committee: Transportation

A BILL

1 FOR AN ACT relating to the Nebraska Rules of the Road; to amend
2 sections 60-6,267 and 60-6,268, Reissue Revised Statutes
3 of Nebraska; to change provisions relating to child
4 passenger restraints; and to repeal the original
5 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 ~~who resides~~ in Nebraska ~~and who~~
4 drives any motor vehicle which has or is required to have an
5 occupant protection system shall ensure that:

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

12 (b) All children weighing forty or more pounds or at
13 least four years of age and younger than five years of age being
14 transported in such vehicle use an occupant 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 except taxicabs, mopeds, motorcycles, and any
19 motor vehicle designated by the manufacturer as a 1963 year model
20 or earlier which is not equipped with an occupant protection
21 system.

22 (2) Whenever any licensed physician ~~licensed to practice~~
23 ~~medicine in Nebraska~~ determines, through accepted medical
24 procedures, that use of a child passenger restraint system by a
25 particular child would be harmful by reason of the child's weight,
26 physical condition, or other medical reason, the provisions of
27 subsection (1) of this section shall be waived. The driver of any
28 vehicle transporting such a child shall carry on his or her person

1 or in the vehicle a signed written statement of the physician
2 identifying the child and stating the grounds for such waiver.

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

7 (4) The Department of Motor Vehicles shall develop and
8 implement an ongoing public information and education program
9 regarding the use of child passenger restraint systems and occupant
10 protection systems.

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

13 60-6,268. (1) A person violating any provision of
14 subsection (1) of section 60-6,267 shall be guilty of an infraction
15 as defined in section 29-431 and shall be fined twenty-five dollars
16 for each violation. The failure to provide a child restraint
17 system for more than one child in the same vehicle at the same
18 time, as required in such subsection, shall not be treated as a
19 separate offense.

20 ~~Any~~ For a first offense, a person who is charged with a
21 violation of such subsection, who does not have in his or her
22 possession a child restraint system meeting the requirements of
23 Federal Motor Vehicle Safety Standard 213 as of August 26, 1983,
24 and who subsequently purchases or rents for a one-year period such
25 a system prior to his or her court appearance shall, upon
26 presentation of proof of purchase or proof of rental for a one-year
27 period of such a system, be able to utilize such presentation as an
28 absolute defense and cause for dismissal of such charge.

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

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

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