

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 10

Introduced by Krist, 10.

Read first time January 10, 2013

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Nebraska Rules of the Road; to amend
2 sections 60-6,265 and 60-6,270, Reissue Revised Statutes
3 of Nebraska, and sections 60-6,267 and 60-6,268, Revised
4 Statutes Cumulative Supplement, 2012; to change and
5 eliminate provisions relating to occupant protection
6 systems; to repeal the original sections; and to outright
7 repeal section 60-6,271, Reissue Revised Statutes of
8 Nebraska.

9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-6,265, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-6,265 For purposes of sections 60-6,266 to 60-6,273,
4 occupant protection system means a system utilizing a lap belt, a
5 shoulder belt, or any combination of belts installed in a motor
6 vehicle which (1) restrains drivers and passengers and (2) conforms
7 to Federal Motor Vehicle Safety Standards, 49 C.F.R. 571.207,
8 571.208, 571.209, and 571.210, as such standards existed on January
9 1, ~~2009~~, 2013, or to the federal motor vehicle safety standards for
10 passenger restraint systems applicable for the motor vehicle's model
11 year.

12 Sec. 2. Section 60-6,267, Revised Statutes Cumulative
13 Supplement, 2012, is amended to read:

14 60-6,267 (1) Any person in Nebraska who drives any motor
15 vehicle which has or is required to have an occupant protection
16 system shall ensure that all children up to six years of age being
17 transported by such vehicle use a child passenger restraint system of
18 a type which meets Federal Motor Vehicle Safety Standard 213 as
19 developed by the National Highway Traffic Safety Administration, as
20 such standard existed on January 1, ~~2009~~, 2013, and which is
21 correctly installed in such vehicle.

22 (2) Any person in Nebraska who drives any motor vehicle
23 which has or is required to have an occupant protection system shall
24 ensure that all children six years of age and less than eighteen
25 years of age being transported by such vehicle use an occupant

1 protection system.

2 (3) Subsections (1) and (2) of this section apply to
3 every motor vehicle which is equipped with an occupant protection
4 system or is required to be equipped with restraint systems pursuant
5 to Federal Motor Vehicle Safety Standard 208, as such standard
6 existed on January 1, ~~2009~~, 2013, except taxicabs, mopeds,
7 motorcycles, and any motor vehicle designated by the manufacturer as
8 a 1963 year model or earlier which is not equipped with an occupant
9 protection system.

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

19 (5) The drivers of authorized emergency vehicles shall
20 not be subject to the requirements of subsection (1) or (2) of this
21 section when operating such authorized emergency vehicles pursuant to
22 their employment.

23 (6) A driver of a motor vehicle shall not be subject to
24 the requirements of subsection (1) or (2) of this section if the
25 motor vehicle is being operated in a parade or exhibition and the

1 parade or exhibition is being conducted in accordance with applicable
2 state law and local ordinances and resolutions.

3 (7) The Department of Roads shall develop and implement
4 an ongoing statewide public information and education program
5 regarding the use of child passenger restraint systems and occupant
6 protection systems and the availability of distribution and discount
7 programs for child passenger restraint systems.

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

11 Sec. 3. Section 60-6,268, Revised Statutes Cumulative
12 Supplement, 2012, is amended to read:

13 60-6,268 (1)—A person violating any provision of
14 subsection (1) or (2) of section 60-6,267 shall be guilty of an
15 infraction as defined in section 29-431 and shall be fined twenty-
16 five dollars for each violation. The failure to provide a child
17 restraint system for more than one child in the same vehicle at the
18 same time, as required in such subsection, shall not be treated as a
19 separate offense.

20 ~~(2) Enforcement of subsection (2) or (8) of section~~
21 ~~60-6,267 shall be accomplished only as a secondary action when an~~
22 ~~operator of a motor vehicle has been cited or charged with a~~
23 ~~violation or some other offense unless the violation involves a~~
24 ~~person under the age of eighteen years riding in or on any portion of~~
25 ~~the vehicle not designed or intended for the use of passengers when~~

1 ~~the vehicle is in motion.~~

2 Sec. 4. Section 60-6,270, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 60-6,270 (1) Except as provided in subsection (2) of this
5 section, no driver shall operate a motor vehicle upon a highway or
6 street in this state unless the driver and each ~~front-seat~~ occupant
7 in the motor vehicle are wearing occupant protection systems and all
8 occupant protection systems worn are properly adjusted and fastened.

9 (2) The following persons shall not be required to wear
10 an occupant protection system:

11 (a) A person who possesses written verification from a
12 physician that the person is unable to wear an occupant protection
13 system for medical reasons;

14 (b) A rural letter carrier of the United States Postal
15 Service while performing his or her duties as a rural letter carrier
16 between the first and last delivery points; and

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

19 (3) For purposes of this section, motor vehicle ~~shall~~
20 ~~mean~~ means a vehicle required by section 60-6,266 to be equipped with
21 an occupant protection system.

22 Sec. 5. Original sections 60-6,265 and 60-6,270, Reissue
23 Revised Statutes of Nebraska, and sections 60-6,267 and 60-6,268,
24 Revised Statutes Cumulative Supplement, 2012, are repealed.

25 Sec. 6. The following section is outright repealed:

1 Section 60-6,271, Reissue Revised Statutes of Nebraska.