

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 42**

Introduced by Hilkeemann, 4.

Read first time January 05, 2017

Committee:

- 1 A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-6,265,
- 2 60-6,267, and 71-1907, Revised Statutes Cumulative Supplement, 2016;
- 3 to change provisions relating to occupant protection systems for
- 4 children; to adopt certain federal safety provisions; and to repeal
- 5 the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-6,265, Revised Statutes Cumulative Supplement,  
2 2016, 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, 2009, or, as a minimum  
9 standard, to the federal motor vehicle safety standards for passenger  
10 restraint systems 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 Cumulative Supplement,  
15 2016, 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 eight  
19 ~~six~~ years of age being transported by such vehicle (a) use a child  
20 passenger restraint system of a type which meets Federal Motor Vehicle  
21 Safety Standard 213 as developed by the National Highway Traffic Safety  
22 Administration, as such standard existed on January 1, 2009, and which is  
23 correctly installed in such vehicle and (b) occupy the rear seat of the  
24 vehicle, if available. In addition, all children up to two years of age  
25 shall use a rear-facing child passenger restraint system until the child  
26 outgrows the child passenger restraint system manufacturer's height or  
27 weight requirements.

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

1 occupant protection system.

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

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

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

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

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

31 (8) All persons being transported by a motor vehicle operated by a

1 holder of a provisional operator's permit or a school permit shall use  
2 such motor vehicle's occupant protection system or a three-point safety  
3 belt system.

4 Sec. 3. Section 71-1907, Revised Statutes Cumulative Supplement,  
5 2016, is amended to read:

6 71-1907 Any person furnishing foster care who is subject to  
7 licensure under section 71-1902 or the Children's Residential Facilities  
8 and Placing Licensure Act, when transporting in a motor vehicle any  
9 children for whom care is being furnished, shall use an approved child  
10 passenger restraint system for each child, except that an occupant  
11 protection system or a three-point safety belt system as defined in  
12 section 60-6,265 may be used for any child as prescribed in section  
13 60-6,267 ~~six years of age or older.~~

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

18 For purposes of this section, approved child passenger restraint  
19 system shall mean a restraint system which meets Federal Motor Vehicle  
20 Safety Standard 213 as developed by the National Highway Traffic Safety  
21 Administration, as such standard existed on July 20, 2002.

22 Sec. 4. Original sections 60-6,265, 60-6,267, and 71-1907, Revised  
23 Statutes Cumulative Supplement, 2016, are repealed.