

SENATE BILL NO. 235—COMMITTEE ON TRANSPORTATION

MARCH 14, 2011

Referred to Committee on Transportation

SUMMARY—Makes failure to wear a safety belt in a motor vehicle a primary offense. (BDR 43-38)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to traffic laws; deleting the provision which limits the issuance of a citation for a person’s failure to wear a safety belt in a motor vehicle; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 This bill removes the provision of existing law which prohibits the issuance of
2 a citation for failure to wear a safety belt in a motor vehicle unless the vehicle is
3 stopped or the person is arrested for another offense. (NRS 484D.495, 484D.500)
4 By removing that provision, this bill allows the issuance of a citation for such a
5 violation even absent any other conduct.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 484D.495 is hereby amended to read as
2 follows:
3 484D.495 1. It is unlawful to drive a passenger car
4 manufactured after:
5 (a) January 1, 1968, on a highway unless it is equipped with at
6 least two lap-type safety belt assemblies for use in the front seating
7 positions.
8 (b) January 1, 1970, on a highway unless it is equipped with a
9 lap-type safety belt assembly for each permanent seating position
10 for passengers. This requirement does not apply to the rear seats of
11 vehicles operated by a police department or sheriff’s office.



1 (c) January 1, 1970, unless it is equipped with at least two
2 shoulder-harness-type safety belt assemblies for use in the front
3 seating positions.

4 2. Any person driving, and any passenger who:

5 (a) Is 6 years of age or older; or

6 (b) Weighs more than 60 pounds, regardless of age,

7 ↪ who rides in the front or back seat of any vehicle described in
8 subsection 1, having an unladen weight of less than 10,000 pounds,
9 on any highway, road or street in this State shall wear a safety belt if
10 one is available for the seating position of the person or passenger.

11 3. A citation must be issued to any driver or to any adult
12 passenger who fails to wear a safety belt as required by subsection
13 2. If the passenger is a child who:

14 (a) Is 6 years of age or older but less than 18 years of age,
15 regardless of weight; or

16 (b) Is less than 6 years of age but who weighs more than 60
17 pounds,

18 ↪ a citation must be issued to the driver for failing to require that
19 child to wear the safety belt, but if both the driver and that child are
20 not wearing safety belts, only one citation may be issued to the
21 driver for both violations. ~~[A citation may be issued pursuant to this
22 subsection only if the violation is discovered when the vehicle is
23 halted or its driver arrested for another alleged violation or offense.]~~

24 Any person who violates the provisions of subsection 2 shall be
25 punished by a fine of not more than \$25 or by a sentence to perform
26 a certain number of hours of community service.

27 4. A violation of subsection 2:

28 (a) Is not a moving traffic violation under NRS 483.473.

29 (b) May not be considered as negligence or as causation in any
30 civil action or as negligent or reckless driving under NRS 484B.653.

31 (c) May not be considered as misuse or abuse of a product or as
32 causation in any action brought to recover damages for injury to a
33 person or property resulting from the manufacture, distribution, sale
34 or use of a product.

35 5. The Department shall exempt those types of motor vehicles
36 or seating positions from the requirements of subsection 1 when
37 compliance would be impractical.

38 6. The provisions of subsections 2 and 3 do not apply:

39 (a) To a driver or passenger who possesses a written statement
40 by a physician certifying that the driver or passenger is unable to
41 wear a safety belt for medical or physical reasons;

42 (b) If the vehicle is not required by federal law to be equipped
43 with safety belts;

44 (c) To an employee of the United States Postal Service while
45 delivering mail in the rural areas of this State;



1 (d) If the vehicle is stopping frequently, the speed of that vehicle
2 does not exceed 15 miles per hour between stops and the driver or
3 passenger is frequently leaving the vehicle or delivering property
4 from the vehicle; or

5 (e) Except as otherwise provided in NRS 484D.500, to a
6 passenger riding in a means of public transportation, including a
7 school bus or emergency vehicle.

8 7. It is unlawful for any person to distribute, have for sale,
9 offer for sale or sell any safety belt or shoulder harness assembly for
10 use in a motor vehicle unless it meets current minimum standards
11 and specifications of the United States Department of
12 Transportation.

13 **Sec. 2.** NRS 484D.500 is hereby amended to read as follows:

14 484D.500 1. Any passenger 18 years of age or older who
15 rides in the front or back seat of any taxicab on any highway, road
16 or street in this State shall wear a safety belt if one is available for
17 the seating position of the passenger, except that this subsection
18 does not apply:

19 (a) To a passenger who possesses a written statement by a
20 physician certifying that the passenger is unable to wear a safety belt
21 for medical or physical reasons; or

22 (b) If the taxicab was not required by federal law at the time of
23 initial sale to be equipped with safety belts.

24 2. A citation must be issued to any passenger who violates the
25 provisions of subsection 1. ~~[A citation may be issued pursuant to
26 this subsection only if the violation is discovered when the vehicle is
27 halted or its driver arrested for another alleged violation or offense.]~~

28 Any person who violates the provisions of subsection 1 shall be
29 punished by a fine of not more than \$25 or by a sentence to perform
30 a certain number of hours of community service.

31 3. A violation of subsection 1:

32 (a) Is not a moving traffic violation under NRS 483.473.

33 (b) May not be considered as negligence or as causation in any
34 civil action or as negligent or reckless driving under NRS 484B.653.

35 (c) May not be considered as misuse or abuse of a product or as
36 causation in any action brought to recover damages for injury to a
37 person or property resulting from the manufacture, distribution, sale
38 or use of a product.

39 4. An owner or operator of a taxicab shall post a sign within
40 each of his or her taxicabs advising passengers that they must wear
41 safety belts while being transported by the taxicab. Such a sign must
42 be placed within the taxicab so as to be visible to and easily readable
43 by passengers, except that this subsection does not apply if the
44 taxicab was not required by federal law at the time of initial sale to
45 be equipped with safety belts.



1 **Sec. 3.** 1. This act becomes effective upon passage and
2 approval.

3 2. Section 1 of this act expires by limitation on the date the
4 Federal Government rescinds the requirement for the installation of
5 automatic restraints in new private passenger motor vehicles, if that
6 action is based upon the enactment or continued operation of certain
7 amendatory and transitory provisions contained in chapter 480,
8 Statutes of Nevada 1987.

