

E AND R AMENDMENTS TO LB 42

Introduced by Wishart, 27, Chairman Enrollment and Review

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

3 Section 1. Section 60-6,265, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 60-6,265 For purposes of sections 60-6,266 to 60-6,273:

6 (1) Occupant protection system means a system utilizing a lap belt,
7 a shoulder belt, or any combination of belts installed in a motor vehicle
8 which (a) restrains drivers and passengers and (b) conforms to Federal
9 Motor Vehicle Safety Standards, 49 C.F.R. 571.207, 571.208, 571.209, and
10 571.210, as such standards existed on January 1, 2009, or, as a minimum
11 standard, to the federal motor vehicle safety standards for passenger
12 restraint systems applicable for the motor vehicle's model year; and

13 (2) Three-point safety belt system means a system utilizing a
14 combination of a lap belt and a shoulder belt installed in a motor
15 vehicle which restrains drivers and passengers.

16 Sec. 2. Section 60-6,267, Revised Statutes Supplement, 2017, is
17 amended to read:

18 60-6,267 (1) Any person in Nebraska who drives any motor vehicle
19 which has or is required to have an occupant protection system or a
20 three-point safety belt system shall ensure that all children up to eight
21 ~~six~~ years of age being transported by such vehicle (a) use a child
22 passenger restraint system of a type which meets Federal Motor Vehicle
23 Safety Standard 213 as developed by the National Highway Traffic Safety
24 Administration, as such standard existed on January 1, 2009, and which is
25 correctly installed in such vehicle and (b) occupy a seat or seats, other
26 than a front seat, if such seat or seats are so equipped with such
27 passenger restraint system and such seat or seats are not already

1 occupied by a child or children under eight years of age. In addition,
2 all children up to two years of age shall use a rear-facing child
3 passenger restraint system until the child outgrows the child passenger
4 restraint system manufacturer's maximum allowable height or weight.

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

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

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

25 (5) The drivers of authorized emergency vehicles shall not be
26 subject to the requirements of subsection (1) or (2) of this section when
27 operating such authorized emergency vehicles pursuant to their
28 employment.

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

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

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

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

12 Sec. 3. Section 71-1907, Revised Statutes Cumulative Supplement,
13 2016, is amended to read:

14 71-1907 Any person furnishing foster care who is subject to
15 licensure under section 71-1902 or the Children's Residential Facilities
16 and Placing Licensure Act, when transporting in a motor vehicle any
17 children for whom care is being furnished, shall use an approved child
18 passenger restraint system for each child, except that an occupant
19 protection system or a three-point safety belt system as defined in
20 section 60-6,265 may be used for any child as prescribed in section
21 60-6,267 ~~six years of age or older.~~

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

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

30 Sec. 4. This act becomes operative on January 1, 2019.

31 Sec. 5. Original sections 60-6,265 and 71-1907, Revised Statutes

1 Cumulative Supplement, 2016, and section 60-6,267, Revised Statutes
2 Supplement, 2017, are repealed.

3 2. On page 1, strike beginning with "60-6,265" in line 1 through
4 line 5 and insert "60-6,265 and 71-1907, Revised Statutes Cumulative
5 Supplement, 2016, and section 60-6,267, Revised Statutes Supplement,
6 2017; to redefine a term; to change provisions relating to child
7 passenger restraint requirements; to harmonize provisions; to provide an
8 operative date; and to repeal the original sections."