

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 711

Introduced by Baker, 30.

Read first time January 03, 2018

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-6,265
2 and 60-6,270, Revised Statutes Cumulative Supplement, 2016, and
3 section 60-6,267, Revised Statutes Supplement, 2017; to change
4 requirements relating to the use of occupant protection systems; to
5 update references to certain federal provisions; and to repeal the
6 original sections.

7 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, 2018 ~~2009~~, or to the
9 federal motor vehicle safety standards for passenger restraint systems
10 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 Supplement, 2017, is
15 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 six
19 years of age being transported by such vehicle use a child passenger
20 restraint system of a type which meets Federal Motor Vehicle Safety
21 Standard 213 as developed by the National Highway Traffic Safety
22 Administration, as such standard existed on January 1, 2018 ~~2009~~, and
23 which is correctly installed in such vehicle.

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

29 (3) Subsections (1) and (2) of this section apply to autocycles and
30 to every motor vehicle which is equipped with an occupant protection
31 system or is required to be equipped with restraint systems pursuant to

1 Federal Motor Vehicle Safety Standard 208, as such standard existed on
2 January 1, 2018 ~~2009~~, except taxicabs, mopeds, motorcycles, and any motor
3 vehicle designated by the manufacturer as a 1963 year model or earlier
4 which is not equipped with an occupant protection system.

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

13 (5) The drivers of authorized emergency vehicles shall not be
14 subject to the requirements of subsection (1) or (2) of this section when
15 operating such authorized emergency vehicles pursuant to their
16 employment.

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

22 (7) The Department of Transportation shall develop and implement an
23 ongoing statewide public information and education program regarding the
24 use of child passenger restraint systems and occupant protection systems
25 and the availability of distribution and discount programs for child
26 passenger restraint systems.

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

31 Sec. 3. Section 60-6,270, Revised Statutes Cumulative Supplement,

1 2016, is amended to read:

2 60-6,270 (1) Except as provided in subsection (2) or (3) of this
3 section, no driver shall operate a motor vehicle upon a highway or street
4 in this state unless the driver and each ~~front-seat~~ occupant in the motor
5 vehicle are wearing occupant protection systems and all occupant
6 protection systems worn are properly adjusted and fastened.

7 (2) Except as otherwise provided in subsection (3) of this section,
8 no driver shall operate an autocycle upon a highway or street of this
9 state unless the driver is wearing a three-point safety belt system and
10 it is properly adjusted and fastened.

11 (3) The following persons shall not be required to wear an occupant
12 protection system or a three-point safety belt system:

13 (a) A person who possesses written verification from a physician
14 that the person is unable to wear an occupant protection system or a
15 three-point safety belt system for medical reasons;

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

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

21 (4) For purposes of this section, motor vehicle means a vehicle
22 required by section 60-6,266 to be equipped with an occupant protection
23 system or a three-point safety belt system.

24 Sec. 4. Original sections 60-6,265 and 60-6,270, Revised Statutes
25 Cumulative Supplement, 2016, and section 60-6,267, Revised Statutes
26 Supplement, 2017, are repealed.