

## LEGISLATIVE BILL 958

Approved by the Governor April 7, 1990

Introduced by Ashford, 6; Beck, 8

AN ACT relating to rules of the road; to amend section 39-6,103.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the required use of child passenger restraint systems and seat safety belts; to provide a duty for the Department of Motor Vehicles; and to repeal the original section.

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

Section 1. That section 39-6,103.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,103.01. (1) Any person, who resides in Nebraska and drives any motor vehicle which has or is required to have seat safety belts, shall ensure that (a) all children under the age of four or weighing less than forty pounds being transported in such vehicle use a child passenger restraint system; of a type which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Traffic Safety Administration as of August 26, 1983; or use a seat safety belt for children over age one the effective date of this act and which is correctly installed in such vehicle and (b) all children weighing forty or more pounds or at least four years of age and younger than five years of age being transported in such vehicle use a seat safety belt.

This subsection shall apply to every motor vehicle which is equipped with seat safety belts or is required to be equipped with restraint systems pursuant to Federal Motor Vehicle Safety Standard 208 except taxicabs, mopeds, motorcycles, and any motor vehicle designated by the manufacturer as a 1963 year model or earlier which is not equipped with a seat safety belt.

(2) Whenever any physician licensed to practice medicine in Nebraska determines, through accepted medical procedures, that use of a child passenger restraint system by a particular child would be harmful by reason of the child's weight, physical condition, or other medical reason, the provisions of subsection (1) of this section shall be waived. The driver of any vehicle transporting such a child shall

carry on his or her person or in the vehicle a signed written statement of the physician identifying the child and stating the grounds for such waiver.

(3) The drivers of authorized emergency vehicles, as defined in section 39-602, shall not be subject to the requirements of subsection (1) of this section when operating such authorized emergency vehicles pursuant to their employment.

(4) The Department of Motor Vehicles shall develop and implement an ongoing public information and education program regarding the use of child passenger restraint systems and seat safety belts.

Sec. 2. That original section 39-6,103.01, Reissue Revised Statutes of Nebraska, 1943, are repealed.