

Nevada Advisory Committee on Traffic Safety (NVACTS) 2023 Legislative/Policy Recommendations: Occupant Protection/Seatbelt Laws

Nevada Law:

NRS 484D.495 Safety belts and shoulder harness assembly; requirements for driver, child and other passenger; penalties; exemptions. [Effective until the date the Federal Government rescinds the requirement for the installation of automatic restraints in new private passenger motor vehicles, if that action is based upon the enactment or continued operation of certain amendatory and transitory provisions contained in chapter 480, Statutes of Nevada 1987.]

1. It is unlawful to drive a passenger car manufactured after:

(a) January 1, 1968, on a highway unless it is equipped with at least two lap-type safety belt assemblies for use in the front seating positions.

(b) January 1, 1970, on a highway unless it is equipped with a lap-type safety belt assembly for each permanent seating position for passengers. This requirement does not apply to the rear seats of vehicles operated by a police department or sheriff's office.

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

2. Any person driving, and any passenger who:

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

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

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

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

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

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

È a citation must be issued to the driver for failing to require that child to wear the safety belt, but if both the driver and that child are not wearing safety belts, only one citation may be issued to the driver for both violations. A citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. Any person who violates the provisions of subsection 2 shall be punished by a fine of not more than \$25 or by a sentence to perform a certain number of hours of community service.

4. A violation of subsection 2:

(a) Is not a moving traffic violation under [NRS 483.473](#).

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

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

5. The Department shall exempt those types of motor vehicles or seating positions from the requirements of subsection 1 when compliance would be impractical.
6. The provisions of subsections 2 and 3 do not apply:
 - (a) To a driver or passenger who possesses a written statement by a physician or an advanced practice registered nurse certifying that the driver or passenger is unable to wear a safety belt for medical or physical reasons;
 - (b) If the vehicle is not required by federal law to be equipped with safety belts;
 - (c) To an employee of the United States Postal Service while delivering mail in the rural areas of this State;
 - (d) If the vehicle is stopping frequently, the speed of that vehicle does not exceed 15 miles per hour between stops and the driver or passenger is frequently leaving the vehicle or delivering property from the vehicle; or
 - (e) Except as otherwise provided in [NRS 484D.500](#), to a passenger riding in a means of public transportation, including a school bus or emergency vehicle.
7. It is unlawful for any person to distribute, have for sale, offer for sale or sell any safety belt or shoulder harness assembly for use in a motor vehicle unless it meets current minimum standards and specifications of the United States Department of Transportation.

Background:

Primary seat belt laws allow police to stop and ticket a motorist if the driver or passengers are not buckled up. Secondary belt laws allow police to issue a citation only if the driver is first stopped for another infraction. Nevada has a Secondary seat belt law.

Research affirms that seat belt laws significantly increase seat belt use and that primary enforcement laws are more effective than secondary enforcement laws. According to NHTSA, 92% of front seat occupants in states with primary enforcement laws buckled up, in contrast to 86.2% of front-seat occupants in states with secondary enforcement or no laws in 2019. The effect of seat belt laws on rear-seat occupants is also noteworthy. In 2019, 84% of occupants in back seats used belts in states with seat belt laws for all seating positions, while 68% of occupants in rear seats used belts in states with front-seat-only belt laws.

State adult seat belt laws can be grouped into the following categories:

- Primary enforcement laws for all occupants: 20 states—Alaska, California, Delaware, Hawaii, Illinois, Indiana, Kentucky, Louisiana, Maine, Minnesota, Mississippi, New Mexico, New York, Oregon, Rhode Island, South Carolina, Texas, Utah, Washington and Wisconsin, plus the District of Columbia, Guam, the Northern Mariana Islands and Puerto Rico.
- Primary front seat belt law and secondary rear seat belt law: Five states—Alabama, Kansas, Maryland, New Jersey and North Carolina.
- Secondary laws for all occupants: Six states—Idaho, Massachusetts, Montana, **Nevada**, Vermont and Wyoming.
- Primary front-seat-only belt laws: Nine states—Arkansas, Connecticut, Florida, Georgia, Iowa, Michigan, Oklahoma, Tennessee and West Virginia—and the Virgin Islands.
- Secondary front-seat-only belt laws: Nine states—Arizona, Colorado, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota and Virginia.
- New Hampshire and American Samoa are the only state and territory without a seat belt law for adults.

Nevada:

- 5.8 percent of Nevadans—179,000 people—are still not buckling up.
- An estimated 78 lives were saved by seat belts in Nevada in 2017 and 14 additional lives could have been saved with 100 percent seat belt use.
- In 2019, 158 vehicle occupants died while riding in cars and light trucks in Nevada. Of these, 37 percent died while not wearing their seat belts. (2019 FARS Data)
- 37 percent (111/304) of the State's motor vehicle traffic fatalities occur in rural areas; however, the fatality rate per 100 million vehicle miles traveled in rural Nevada is more than two times higher than the rate in urban areas. (2019 FARS Data)
- In 2019, 49 percent of nighttime passenger vehicle occupant fatalities in Nevada were unrestrained compared to 27 percent of daytime passenger vehicle occupant fatalities. (2019 FARS Data)
- Current state law does not require use of child passenger safety seats in rideshare vehicles.
- 50-60% of Nevada vehicle occupant fatalities annually are unrestrained.

Research & Data:

Wearing a seat belt reduces the risk of fatal injury by nearly half for occupants of passenger cars and by more than half for occupants of light trucks and vans. The national seat belt use rate by adult front-seat passengers was 90.7% in 2019. According to CDC's Tribal Road Safety Fact Sheets, low seat belt use is among the major risk factors for traffic fatalities in tribal communities. Front seat belt use also varies between age and gender. Occupants ages 16 to 24 years continued to have the lowest rate among any age group at 87.6%, according to 2019 data. The seat belt use rate for male occupants was 89.1%, compared with 92.7% for female occupants. While the number of occupants who buckle up in the back seat has increased in recent years, it continues to be significantly lower than front seat belt users. Rear seat belt use among occupants eight years and older was 77.5% in 2019. Finally, a study suggests that rear seat belt use is higher in private vehicles than in taxis, and results are mixed regarding ride-hailing services such as Uber and Lyft.

<https://www.ncsl.org/research/transportation/traffic-safety-trends-state-legislative-action-2020.aspx>

Per NHTSA's Special Report: Examination of the Traffic Safety Environment During the Second Quarter of 2020: "...there is evidence of an increase in ejection rates among people who were in crashes, suggesting a decrease in the seat belt use rate of vehicle occupants. This increase was heavily tilted toward males, people 18 to 34 years old, and people in rural areas.

https://rosap.ntl.bts.gov/pdfjs/web/viewer.html?file=https://rosap.ntl.bts.gov/view/dot/50940/dot_50940_D_S1.pdf

National trends:

During the 2020 legislative session, 17 states considered at least 55 bills related to seat belts. However, few were enacted. New York passed four bills in 2020 dealing with various aspects of seat belt law.

Every state and the District of Columbia have enacted child restraint laws that require children of certain ages and sizes to ride in appropriate, federally approved child restraints. Although each state has a law, some laws only cover children up to a certain size or age, while others allow the use of adult safety belts to restrain children.

Primary Seatbelt Law Pros:

Proven safety benefits, reduction in road closures due to fatal crashes, perception that primary seatbelt laws currently exist.

Primary Seatbelt Law Cons:

Concerns regarding disparate treatment, concerns regarding cost burden to ticketed drivers.

Options:

- Primary Seatbelt Law, all drivers/passengers, optional pilot project/sunset provision
- Primary Seatbelt Law/Graduated Driver's License requirement
- Child Passenger Safety Seats- establish rideshare requirement
- Do nothing

Resources & Reference:

UNLV School of Medicine Occupant Protection Research Library:

https://drive.google.com/drive/folders/0B2qSfw7l8XYqX0ZjUllFWTlSbE0?resourcekey=0-S3GAnG2udzRSfMPfg_QgwA

NHTSA Seat Belts: <https://www.nhtsa.gov/risky-driving/seat-belts>

NHTSA State Traffic Safety Information/Nevada: <https://cdan.nhtsa.gov/stsi.htm#>

Insurance Institute for Highway Safety: <https://www.iihs.org/topics/seat-belts>