

CHILD PASSENGER PROTECTION LAW

POLICY:

It is the policy of the Omaha Police Department (OPD) that officers will issue a Traffic Citation to drivers who violate Nebraska Revised Statute [§60-6,267](#) by failing to use the appropriate restraint or protection system for children under eighteen years of age.

PROCEDURE:

I. Requirements of Nebraska Revised Statute (NRS) [§60-6,267](#)

A. Children up to Eight Years of Age.

1. Nebraska law requires drivers to make certain that all children up to eight years of age use a child passenger restraint system that is correctly installed and meets Federal Motor Vehicle Safety Standard 213 as it existed on January 1, 2009.
 - a. The law also requires children up to eight years of age to occupy a seat(s), other than a front seat, if such seat(s) are so equipped with such passenger restraint system and such seats are not already occupied by a child(ren) under eight years of age.

B. Children Who Are Eight Years of Age or Older and Less Than Eighteen Years of Age.

1. Nebraska law requires drivers of vehicles that have or are required to have an occupant protection system or a three-point safety belt system shall ensure all children who are eight years of age or older and less than eighteen years of age use an occupant protection system.
 - a. This requirement does not apply to taxicabs, mopeds, motorcycles, and any other motor vehicle designated by the manufacturer as a 1963 or earlier model which is not equipped with an occupant protection system.

C. Children Up to Two Years of Age.

1. The law requires all children up to two years of age shall use a rear-facing child passenger restraint system until the child outgrows the manufacturer's maximum allowable height or weight for the system.

D. Medical Exceptions.

1. The passenger restraint system requirement for children under age eight may be waived by a licensed physician if using the system would be harmful because of the child's weight, a physical condition, or another medical reason.
2. The driver must carry on their person or in the vehicle a copy of the physician's signed written statement identifying the child and stating the grounds for the waiver.

E. Additional Exceptions.

1. The requirements for child passenger restraint and occupant protection systems do not apply to:
 - a. Drivers of authorized emergency vehicles when operating such emergency vehicles pursuant to their employment.

- b. Drivers of motor vehicles being operated in a parade or exhibition if the parade or exhibition is conducted in accordance with applicable state law and local ordinances and resolutions.
- F. Drivers with a Provisional Operator's or School Permit.
 - 1. All persons transported by the holder of a provisional operator's permit or a school permit must use the vehicle's occupant protection system or three-point safety belt system.

II. Citations for Violation of NRS [§60-6,267](#)

- A. The requirements of child passenger restraint and occupant protection systems for children under age eighteen apply to every motor vehicle equipped with an occupant protection system or which is required to be equipped with restraint systems.
- B. Officers will issue a Traffic Citation for "Other Offense" and will document the violation as "No Child Restraint." Officers will advise the driver to obtain an approved safety seat as soon as possible from a safety seat loaner program or retail store.
- C. The failure to provide a child restraint system for more than one (1) child in the same vehicle at the same time is not to be treated as a separate offense.

III. Provisions in Nebraska's Child Passenger Protection Law

- A. The requirement of child passenger restraint systems for all children up to eight years of age is one of primary enforcement. Drivers can be stopped and ticketed if child passengers are unrestrained.
- B. The following requirements will be enforced only as a secondary action when the motor vehicle operator has been cited or charged with a violation or other offense:
 - 1. Occupant protection systems for all children who are eight years of age or older and less than eighteen years of age.
 - 2. Occupant protection systems for all persons transported by provisional operator's permits or school permits holders.

EXCEPTION: The violation involves a person under the age of eighteen years riding in or on any portion of the vehicle not designed or intended for the use of passengers while the vehicle is in motion. Operators will also be charged with an infraction per NRS [§60-6,282](#) if they have a person under the age of eighteen years of age riding on any portion of a motorcycle or moped not designed or intended for the use of passengers when the motorcycle or moped is in motion (See the statute or "[Traffic Law Enforcement](#)" policy for more information).

- C. The law applies to all seating positions in the vehicle.
- D. The law applies to any person in Nebraska who drives any motor vehicle that has or is required to have an occupant protection system.

REFERENCES:

I. Nebraska Revised Statutes

- A. Referenced Nebraska Statutes (NRS): [§60-6,282](#) and [§60-6,267](#).

II. Federal Regulations

- A. Federal Motor Vehicle Safety Standard 213, 49 CFR §571.213.

III. Previous OPD Orders

- A. Previous General Orders: #41-90, 5-03, 1-11, 38-14, 19-21, 96-23.