

JURISDICTION:  
General Reference:

**NEBRASKA**  
Revised Statutes of Nebraska

Required Use of Safety Belts<sup>1</sup>:

Requirements:

A person shall not operate a motor vehicle<sup>1</sup> unless they and each front seat passenger are wearing an occupant protection system (safety belt).<sup>2</sup> §§60-6,265 & 60-6,270(1)

**Secondary Enforcement.** Enforcement of this requirement by law enforcement officers shall be accomplished only as a secondary action when a driver has been cited or charged with a violation of some other offense. §60-6,271

Sanctions for Failure to Use or  
Require the Use of Safety Belts:

Traffic Infraction: A fine of \$25.<sup>3</sup> However, no court costs can be assessed and no points can be assessed against a person's driving record. §§60-4,182(13), & 60-6,272 & 60-688

Effect on Civil Liability:

Evidence of a violation of the requirement shall not be admissible in regard to the issue of liability or proximate cause but may be admissible as evidence concerning mitigation of damages. However, such evidence shall not reduce recovery for damages by more than 5%. §60-6,273 & *Vredeveld v. Clark*, 504 N.W.2d 292 (Neb. 1993) (decided under §39-6,103.08 which was transferred to §60-6,273)

Required Use of Child Safety Restraint Systems<sup>4</sup>:

Requirements:

I. Drivers, who are transporting a child <5 years old and weighing <40 lbs. in any motor vehicle, must secure such child in a Federally approved child passenger restraint system.<sup>5</sup> §60-6,267(1)(a)

II. Drivers, who are transporting a child <16 years old and weighing ≥40 lbs. in any motor vehicle, must secure such child in an occupant protection system (safety belt).<sup>5</sup> §§60-6,265 & 60-6,267(1)(b) **Enforcement** of this requirement by law enforcement officers shall be accomplished only as a **secondary action** when a driver has been cited or charged with a violation of some other offense. §60-6,268(3)

Required Use of Child Safety Restraint Systems:  
(continued)

Sanctions for Failure to Require

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<sup>1</sup>**Exemptions.** I. This requirement does not apply to vehicles manufactured before the 1973 model year, farm tractors, implements of husbandry, motorcycles, motor-driven cycles, mopeds or buses. §§60-6,266 & 60-6,270(3) II. This requirement does not apply in the following circumstances: (1) To persons who because of medical reasons cannot wear an occupant protection system; (2) to rural carriers of the U.S. Postal Service while performing official duties; and, (3) to members of an ambulance or rescue service unit while involved in patient care. §60-6,270(2)

<sup>2</sup>Under separate provisions of the law, a school bus operator is required to wear a safety belt if such bus is equipped with seat belts. §79-609(3) Note: This section does not provide a penalty for its violation.

<sup>3</sup>Regardless of the number of violations occurring at one time, a driver can only be cited for one offense. §60-6,272

<sup>4</sup>**Exemptions.** I. These requirements do not apply to persons who are operating taxicabs, mopeds, motorcycles or motor vehicles manufactured as a 1963 or earlier model year. §60-6,267(1) II. These requirements do not apply in the following circumstances: (1) To children who cannot use a child passenger restraint system for physical or medical reasons; and, (2) to children who are being transported in emergency vehicles when the vehicle operator is performing official duties. §60-6,267(2) & (3)

<sup>5</sup>This requirement only applies to motor vehicles that are required to have "occupant protection systems." §60-6,267(1)

