

MAINE STATE LEGISLATURE

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4/27/83

(New Draft of H.P. 719, L.D. 910)
(New Title)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1515

H.P. 1150

House of Representatives, April 26, 1983

Reported by Report "C" from the Committee on Transportation and printed under Joint Rule 2.

Original bill sponsored by Representative Reeves of Pittston. Cosponsored by Representative Thompson of So. Portland, Senator Gill of Cumberland and Senator Diamond of Cumberland.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-THREE

AN ACT Requiring the Use of Child
Restraint Seats and the State Police to Loan
Restraint Seats to Persons in Violation.

Be it enacted by the People of the State of Maine as follows:

29 MRSA §1368-B, as enacted by PL 1981, c. 405, is repealed and the following enacted in its place:

§1368-B. Use of approved child safety seats

1. Transportation in vehicle of parent or guardian. When any child who is less than 4 years of age is being transported in a motor vehicle owned or operated by his parent or legal guardian and registered in the State, and the motor vehicle is required

1 by the United States Department of Transportation to
2 be equipped with seat belts at the time of manufac-
3 ture or assembly, the operator of the motor vehicle
4 shall have the child properly secured, in accordance
5 with the manufacturer's instructions, in a child
6 safety seat that meets the standards described in
7 Federal Motor Vehicle Safety Standards, 49 Code of
8 Federal Regulations, Part 571, in effect on January
9 1, 1981. The parent or legal guardian of the child
10 is responsible for providing and installing the child
11 safety seat.

12 2. Transportation in vehicle not owned by parent
13 or guardian. If the child is being transported in a
14 motor vehicle registered in this State, neither owned
15 or operated by his parent or legal guardian, and the
16 motor vehicle is required by the United States
17 Department of Transportation to be equipped with seat
18 belts at the time of manufacture or assembly, the
19 operator of the motor vehicle shall have the child
20 properly secured, in accordance with the
21 manufacturer's instructions, in a child safety seat
22 that meets the standards described in Federal Motor
23 Vehicle Safety Standards, 49 Code of Federal Regula-
24 tions, Part 571, in effect on January 1, 1981. When
25 such a child safety seat is not available, the oper-
26 ator shall have the child properly secured in a seat
27 belt, except when all seating positions equipped with
28 seat belts are occupied. No exception may apply if
29 the child is less than one year of age.

30 3. Exception and limitation. The requirements
31 of subsections 1 and 2 shall not apply to any person
32 over one year of age when the number of passengers
33 exceeds the seating capacity of the vehicle.

34 4. Warning. Any person found in violation of
35 this section during the initial 6 months after this
36 section takes effect shall be issued a warning that a
37 violation of this section has occurred. Any parent
38 or legal guardian receiving the warning shall be
39 summonsed to court, at which time the parent or legal
40 guardian shall provide satisfactory evidence that he
41 has acquired or purchased a child restraining seat
42 for continuous use by the child of the parent or
43 guardian. In the event that the parent or guardian
44 fails to provide satisfactory evidence to the court,

1 the parent or guardian shall be subject to the pen-
2 alty in subsection 7.

3 5. Loan of child restraining seat. Any state
4 police officer who finds a person in violation of
5 this law shall immediately provide a child restrain-
6 ing seat to the operator of the vehicle on a loan
7 basis. The seat shall be returned to the court to
8 which the person in violation is summonsed.

9 6. Violation limitation. Any parent, guardian,
10 owner or operator stopped for a violation of this
11 section and against whom enforcement action has been
12 taken shall not be guilty of a subsequent violation
13 of this section until after 24 hours have elapsed
14 from the date and time of the violation, as indicated
15 on the traffic ticket.

16 7. Penalty. Following the initial 6-month warn-
17 ing period, violation of this section is a civil
18 violation for which a forfeiture of \$25 for each
19 violation may be adjudged. The court shall waive any
20 civil fine or cost against a parent or legal guardian
21 who receives a civil violation citation for a first
22 violation of this section if the parent or legal
23 guardian supplies the court with satisfactory evi-
24 dence that the parent or guardian has acquired or
25 purchased a child safety seat for continuous use by
26 the child of the parent or guardian. This child
27 safety seat shall comply with the standards described
28 in Federal Motor Vehicle Safety Standards, 49 Code of
29 Federal Regulations, Part 571, in effect January 1,
30 1981, within 30 days of the issuance of the civil
31 violation citation.

32 8. Failure to secure a child; use as evi-
33 dence. Failure to secure a child in a child safety
34 seat or seat belt shall not be considered negligence
35 imputable to the child, nor shall that failure be
36 admissible as evidence in the trial of any civil or
37 criminal action, except for a violation of this
38 section.

1 STATEMENT OF FACT

2 The purpose of this new draft is to remove a
3 hardship within the bill and institute a warning
4 during the first 6 months that the provisions of this
5 proposed law are in effect. This new draft proposes:

6 1. When the number of persons exceeds the
7 seating capacity of the vehicle, the restrictions in
8 the proposed law would not apply to children over one
9 year of age;

10 2. That any person found in violation of the
11 proposed law during the first 6 months of its life
12 would be issued a warning rather than be fined;

13 3. Any state police officer who finds a person
14 in violation of the law would provide a child safety
15 seat to that person. The seat would be returned to
16 the court to which the person is summonsed; and

17 4. Any parent or guardian found in violation of
18 the law who produces satisfactory evidence to the
19 court that the parent or guardian has purchased or
20 acquired a child safety seat for continuous use by
21 the child is exempt from the fine.

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