

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 287

6
7 H.P. 246

House of Representatives, January 30, 1985

8 Reference to the Committee on Transportation suggested and ordered
9 printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Smith of Island Falls.

11 Cosponsored by Representative Carroll of Gray and Representative
McPherson of Eliot.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Require Seat Belts for Persons
18 Riding in Open-back Vehicles.
19

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

22 29 MRSA §1368-C is enacted to read:

23 §1368-C. Seat belts required for open-back vehicles

24 1. Definition. For the purpose of this section,
25 "open-back vehicle" means any vehicle with an
26 unenclosed rear section, the primary purpose of which
27 is to transport goods, products or materials. Farm
28 trucks, as defined in section 246, operating within a
29 20-mile radius of the farm at a speed, not exceeding
30 25 miles an hour shall be exempt from this section.

31 2. Operation of vehicle prohibited. No person
32 may operate upon any street or highway of this State
33 any open-back vehicle in which persons in the
34 unenclosed portion of the vehicle are not restrained
35 in a seat with a safety seat belt.

1 3. Safety seat belt. No person may ride in an
2 unenclosed portion of an open-back vehicle unless he
3 is restrained in a seat with a safety seat belt.

4 A. Any person 16 years of age or older who is a
5 passenger in the unenclosed portion of an
6 open-back vehicle and who is not seated with a
7 safety seat belt as required by this section
8 shall be subject to the penalties in subsection
9 4.

10 4. Penalty. Any operator of a vehicle or any li-
11 able passenger, as defined in subsection 3, who vio-
12 lates this section shall be guilty of a civil viola-
13 tion for which a forfeiture of \$25 for the first vio-
14 lation and \$50 for each subsequent offense shall be
15 adjudged.

16 5. Failure to use seat belts; use as evidence.
17 Failure to comply with the provisions of this section
18 shall not be admissible in evidence in any trial,
19 civil or criminal, to mitigate damages with respect
20 to any person who is involved in a motor vehicle ac-
21 cident while violating the requirements of this sec-
22 tion and who seeks in any subsequent litigation to
23 recover damages for injuries resulting from the acci-
24 dent.

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STATEMENT OF FACT

2 The purpose of this bill is to prevent injuries
3 and deaths resulting from the transportation of persons
4 in unenclosed portions of vehicles and who are
5 not restrained by a seat belt. This bill requires all
6 persons riding in the unenclosed portion of open-back
7 vehicles to be restrained by safety seat belts. The
8 operator of the vehicle and passengers 16 years of
9 age or older who violate the law are liable to the
10 penalties specified in the bill. Any person guilty of
11 violating the Maine Revised Statutes, Title 29, section
12 1368-C is subject, for the first offense, to a
13 \$25 fine and to a \$50 fine for subsequent offenses.

14 Farm vehicles, while operating in a 20-mile radi-
15 us of the farm at a speed not exceeding 25 miles an
16 hour, are exempt from this law.

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