

# MAINE STATE LEGISLATURE

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R 95

L.D. 165

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DATE: April 26, 1995 (Filing No. S-91 )

**TRANSPORTATION**

Reported by: Report A of the Committee.

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**STATE OF MAINE  
SENATE  
117TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 77, L.D. 165, Bill, "An Act to Require All Persons to Use Safety Belts in Motor Vehicles"

Amend the bill by striking out all of sections 2 and 3 and inserting in their place the following:

**Sec. 2. 29-A MRSA §2081, sub-§3-A** is enacted to read:

**3-A. Other passengers; operators.** When a person 4 years of age or older is a passenger in a vehicle that is required by the United States Department of Transportation to be equipped with seat belts, the operator must have the person properly secured in a seat belt. The operator of a vehicle that is required by the United States Department of Transportation to be equipped with seat belts must be secured in the operator's seat belt.

**Sec. 3. 29-A MRSA §2081, sub-§4,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**4. Enforcement.** The following provisions apply to subsections 2 and 3 3-A.

A. The requirements do not apply to a passenger over one year of age when the number of passengers exceeds the vehicle seating capacity and all of the seat belts are in use.

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2 A-1. The requirements of subsection 3-A do not apply to a  
3 driver or passenger who has a medical condition that, in the  
4 opinion of a physician, warrants an exemption from the  
5 requirements of subsection 3-A and that medical condition  
6 and opinion are documented by a certificate from that  
7 physician. That certificate is valid for 5 years.

8 B. A person against whom enforcement action has been taken  
9 is not guilty of a subsequent violation of subsection 2  
10 until 24 hours have elapsed from the date and time of the  
11 first violation indicated on the Violation Summons and  
12 Complaint.

13 C. A violation of ~~this-section~~ subsection 2 is a traffic  
14 infraction. The court shall waive the fine for a first  
15 violation of subsection 2 by a parent or legal guardian if  
16 the parent or legal guardian provides the court with  
17 satisfactory evidence that the parent or legal guardian has  
18 acquired a child safety seat for continuous use by the child  
19 within 30 days of the violation.  
20

21 D. A violation of subsection 3-A is a traffic infraction.  
22 The fine for a violation of subsection 3-A may not be less  
23 than \$25 nor more than \$50.'  
24

25 Further amend the bill by inserting at the end before the  
26 statement of fact the following:

27

**FISCAL NOTE**

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29 This bill may avoid an annual reduction of federal highway  
30 funds to the Department of Transportation estimated at \$1,600,000  
31 beginning in fiscal year 1995-96. These funds are made available  
32 to the Highway Safety Program within the Department of Public  
33 Safety.  
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36 A new traffic infraction is also established. The  
37 additional workload and administrative costs associated with the  
38 minimal number of new cases filed in the court system can be  
39 absorbed within the budgeted resources of the Judicial  
40 Department. The collection of additional fines may increase  
41 General Fund revenue by minor amounts.'  
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**STATEMENT OF FACT**

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45 This amendment is the majority report of the Joint Standing  
46 Committee on Transportation. This amendment clarifies that the  
47 operator of a vehicle is charged when a violation of seat belt  
48 provisions occurs. It creates an exemption for a person with a  
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RWS

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2 medical condition, documented by a physician, that precludes  
wearing a seat belt. It limits the fine to a maximum of \$50 for  
4 a violation of the seat belt provision. This amendment also adds  
a fiscal note to the bill.

**COMMITTEE AMENDMENT**