

MAINE STATE LEGISLATURE

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L.D. 1867

DATE: 3-12-02

(Filing No. H-896)

MAJORITY
TRANSPORTATION

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1421, L.D. 1867, Bill, "An Act to Ensure the Safety of Maine Children While Riding in a Vehicle"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 29-A MRSA §2081, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Child safety seat" means a child safety seat that meets the standards described in the Federal Motor Vehicle Safety Standards.

B. "Federal Motor Vehicle Safety Standards" means the standards described in 49 Code of Federal Regulations, Part 571, in effect on January 1, 1981, as subsequently amended.

C. "Federally approved child restraint system" means a child passenger restraint system that is designed to elevate a child to enable that child to properly sit in a federally approved lap and shoulder belt system and that meets the requirements of the Federal Motor Vehicle Safety Standards.

COMMITTEE AMENDMENT

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

4
6 **2. Children under 40 pounds.** When a child who ~~is weighs~~
less than ~~4--years--of--age~~ 40 pounds is being transported in a
8 motor vehicle that is required by the United States Department of
Transportation to be equipped with safety seat belts, the
10 operator must have the child properly secured in accordance with
the manufacturer's instructions in a child safety seat.

12 **Sec. 3. 29-A MRSA §2081, sub-§3**, as amended by PL 1997, c.
450, §1, is repealed and the following enacted in its place:

14 **3. Passengers less than 18 years of age.** Except as
16 provided in subsection 2, the following provisions apply to
passengers less than 18 years of age riding in a vehicle that is
18 required by the United States Department of Transportation to be
equipped with seat belts.

20 A. The operator shall ensure that a child who weighs at
22 least 40 pounds but less than 80 pounds and who is less than
8 years of age is properly secured in a federally approved
24 child restraint system.

26 B. The operator shall ensure that a child who is less than
18 years of age but more than 8 years of age or who is less
28 than 18 years of age and more than 4 feet, 7 inches in
height is properly secured in a seat belt unless that child
30 is required to be secured in a federally approved child
restraint system pursuant to this subsection or in a child
32 safety seat pursuant to subsection 2.

34 C. The operator shall ensure that a child who is less than
12 years of age and who weighs less than 100 pounds is
36 properly secured in the rear seat of a vehicle, if possible.

38 **Sec. 4. 29-A MRSA §2081, sub-§4, ¶B**, as amended by PL 1995, c.
65, Pt. A, §107 and affected by §153 and Pt. C, §15, is further
40 amended to read:

42 B. A person against whom enforcement action has been taken
may not be adjudicated to have committed a subsequent
44 violation of subsection 2 or subsection 3, paragraph A until
24 hours have elapsed from the date and time of the first
46 violation indicated on the Violation Summons and Complaint.

48 **Sec. 5. 29-A MRSA §2801, sub-§4, ¶C**, as amended by PL 1995, c.
432, §3 and affected by §4, is further amended to read:

2 C. A violation of subsection 2 or subsection 3, paragraph A
4 is a traffic infraction. The court shall waive the fine for
6 a first violation of subsection 2 or subsection 3, paragraph
8 A by a parent or legal guardian if the parent or legal
10 guardian provides the court with satisfactory evidence that
12 the parent or legal guardian has acquired a child safety
14 seat or federally approved child restraint system for
16 continuous use by the child within 30 days of the violation.

18 **Sec. 6. Effective date.** This Act takes effect January 1, 2003.'

20 Further amend the bill by inserting at the end before the
22 summary the following:

24 **FISCAL NOTE**

26 The additional workload and administrative costs associated
28 with the minimal number of new cases filed in the court system
30 can be absorbed within the budgeted resources of the Judicial
32 Department. The collection of additional fines may increase
34 General Fund revenue by minor amounts.'

36 **SUMMARY**

38 This is the majority report of the Joint Standing Committee
40 on Transportation. This amendment replaces the bill and requires
42 a child who weighs less than 40 pounds to be secured in a child
44 safety seat; current law requires a child less than 4 years of
46 age to be placed in a child safety seat. The amendment also
requires a child who weighs at least 40 pounds but less than 80
pounds and who is less than 8 years of age to be secured in a
federally approved child restraint system when riding in a motor
vehicle. A child who is less than 18 years of age is required to
be secured by the operator of the motor vehicle in a child safety
seat, a federally approved child restraint system or seat belt,
depending on the weight, age or height of the child. A child
under 12 years of age or who weighs less than 100 pounds is
required to be secured in the back seat of a vehicle, if
possible. The amendment also strikes language in the bill that
requires a child under 12 years of age or who weighs less than
100 pounds to be secured in the back seat only when the vehicle
is equipped with a front seat, passenger-side air bag. The
amendment also adds a fiscal note to the bill.