

# MAINE STATE LEGISLATURE

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December 18, 2001

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# 120th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2002

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Legislative Document

No. 1867

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H.P. 1421

House of Representatives, December 18, 2001

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**An Act to Ensure the Safety of Maine Children While Riding in a Vehicle.**

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Submitted by the Department of Human Services pursuant to Joint Rule 204.

Received by the Clerk of the House on December 14, 2001. Referred to the Committee on Transportation pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative MARLEY of Portland.  
Cosponsored by President BENNETT of Oxford and  
Representatives: BOUFFARD of Lewiston, FISHER of Brewer, Senator: O'GARA of  
Cumberland.

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

2  
4     **Sec. 1. 29-A MRSA §2081, sub-§1**, as enacted by PL 1993, c.  
6     683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the  
8     following enacted in its place:

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

16     A. "Child booster seat" means a child passenger restraint  
18     system that is designed to elevate a child to enable that  
20     child to properly sit in a federally approved lap and  
22     shoulder belt system and that meets the requirements of the  
24     Federal Motor Vehicle Safety Standards.

26     B. "Child safety seat" means a child safety seat that  
28     meets the standards described in the Federal Motor Vehicle  
30     Safety Standards.

32     C. "Federal Motor Vehicle Safety Standards," means the  
34     standards described in 49 Code of Federal Regulations, Part  
36     571, in effect on January 1, 1981, as subsequently amended.

38     **Sec. 2. 29-A MRSA §2081, sub-§2**, as enacted by PL 1993, c.  
40     683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

42     **2. Children under 4.** When a child who ~~is weighs~~ less than  
44     ~~4-years-of-age~~ 40 pounds is being transported in a motor vehicle  
46     that is required by the United States Department of  
48     Transportation to be equipped with safety seat belts, the  
50     operator must have the child properly secured in accordance with  
the manufacturer's instructions in a child safety seat.

52     **Sec. 3. 29-A MRSA §2081, sub-§3**, as amended by PL 1997, c.  
54     450, §1, is repealed and the following enacted in its place:

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

66     A. The operator shall secure properly a child who weighs at  
68     least 40 pounds but less than 80 pounds and who is less than  
70     8 years of age in a child booster seat.

72     B. The operator shall secure properly a child who is less  
74     than 18 years of age in a seat belt unless that child is  
76     required to be in a child booster seat pursuant to this

2 subsection or in a child safety seat pursuant to subsection  
3 2.

4 C. The operator shall secure properly a child who is less  
5 than 12 years of age or who weighs less than 100 pounds in  
6 the rear seat of a vehicle, if possible, when that vehicle  
7 is equipped with a front-seat, passenger-side air bag  
8 supplemental restraint system.

10 **SUMMARY**

11 **12**

13 This bill requires a child who weighs less than 40 pounds to  
14 be secured in a child safety seat; current law requires a child  
15 under 4 years of age to be placed in a child safety seat. The  
16 bill also requires a child who weighs at least 40 pounds but less  
17 than 80 pounds and who is less than 8 years of age to be secured  
18 in a child booster seat when riding in a motor vehicle. A child  
19 who is less than 18 years of age is required to be secured by the  
20 operator of the motor vehicle in a child safety seat, a child  
21 booster seat or a seat belt, depending on the weight or age of  
22 the child. A child under 12 years of age or who weighs less than  
23 100 pounds is required to be secured in the back seat of a  
24 vehicle, if it is possible to do so, if that vehicle is equipped  
with a front-seat, passenger-side air bag.