

MAINE STATE LEGISLATURE

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(Governor's Bill)
FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1545

H. P. 1360

House of Representatives, April 16, 1981

Out of Order, Referred to the Committee on Transportation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Reeves of Pittston.

Cosponsor: Representative Gowen of Standish.

STATE OF MAINE

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

AN ACT Requiring Motorists to Protect Children in Motor Vehicles by Use of Approved Child Safety Seats.

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

29 MRSA § 1368-B is enacted to read:

§ 1368-B. Use of approved child safety seats

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

If the child is being transported in a motor vehicle, neither owned nor operated by his parent or legal guardian, and the motor vehicle is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child safety seat that meets the standards described in Federal Motor Vehicle Safety

Standards, 49 Code of Federal Regulations, Part 571, in effect on January 1, 1981. When such a child safety seat is not available, the operator shall have the child properly secured in a seat belt, except that when the child is less than one year of age, or when all seating positions equipped with seat belts are occupied, the operator shall require the child to occupy a seating position in the seat behind the front seat of the motor vehicle.

Failure to secure a child in a child safety seat or seat belt, or to require a child to occupy a seating position in the seat behind the front seat, shall not be considered negligence imputable to the child, nor shall such failure be admissible as evidence in the trial of any civil or criminal action.

Violation of this section is a civil violation for which a forfeiture of \$25 for the first violation and \$50 for each subsequent violation shall be adjudged. The court shall waive any civil fine or cost against a parent or legal guardian who receives a civil violation citation for a first violation of this section, if the parent or legal guardian supplies the court with evidence of acquiring a child safety seat complying with standards described in Federal Motor Vehicle Safety Standards, 49 Code of Federal Regulations, Part 571, in effect January 1, 1981 within 30 days of the issuance of the civil violation citation.

STATEMENT OF FACT

The leading cause of death among children under 4 years of age in Maine, and in the United States as a whole, is motor vehicle accidents. The leading cause of severe injuries to children under 4 years of age is motor vehicle accidents. Among Maine children less than 5 years of age, 47 were killed, and 2,963 were injured, between 1970 and 1980 in motor vehicle accidents.

The United States Department of Transportation estimates that 75% of all automobile deaths and injuries of children could be prevented by the proper use of child safety seats.

Not only are children killed and injured in car accidents, but improper behavior of children in motor vehicles can actually cause collisions.

The Governor's Task Force on Maternal and Child Health in Maine recommended the passage of legislation requiring appropriate child safety seats for small children who are passengers in motor vehicles. The task force considered this to be among its most important recommendations.

Similar pieces of legislation have been adopted in Tennessee in January 1978, and in Rhode Island in July 1980. Since the implementation of the Tennessee law, statewide use of child safety seats has increased for 9.2% in 1977 to near 19% in 1979. In 1978, there was a 50% reduction in major injuries and fatalities, and a 75% reduction in major injuries and fatalities in 1979.

Approved child restraint seats range in price between \$25 and \$50 and are available at automotive, department and specialty stores throughout Maine. In addition, a number of mail order catalogs carry these seats.