

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 910

6  
7 H.P. 719

House of Representatives, February 28, 1983

8 Submitted by the Department of Public Safety pursuant to Joint Rule 24.  
9 Referred to the Committee on Transportation. Sent up for concurrence  
and ordered printed.

EDWIN H. PERT, Clerk

10 Presented by Representative Reeves of Pittston.

Cosponsors: Representative Thompson of So. Portland, Senator Gill of  
Cumberland and Senator Diamond of Cumberland.

11  
12 STATE OF MAINE  
13

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

17 AN ACT Requiring Motorists to Protect  
18 Children in Motor Vehicles by Use of  
19 Approved Child Safety Seats.  
20

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

23 29 MRSA §1368-B, as enacted by PL 1981, c. 405,  
24 is repealed and the following enacted in its place:

25 §1368-B. Use of approved child safety seats

26 When any child who is less than 4 years of age is  
27 being transported in a motor vehicle owned or oper-  
28 ated by his parent or legal guardian and registered  
29 in the State, and the motor vehicle is required by  
30 the United States Department of Transportation to be  
31 equipped with seat belts at the time of manufacture  
32 or assembly, the operator of the motor vehicle shall  
33 have the child properly secured, in accordance with

1 the manufacturer's instructions, in a child safety  
2 seat that meets the standards described in Federal  
3 Motor Vehicle Safety Standards, 49 Code of Federal  
4 Regulations, Part 571, in effect on January 1, 1981.  
5 The parent or legal guardian of the child is respon-  
6 sible for providing and installing the child safety  
7 seat.

8 If the child is being transported in a motor  
9 vehicle registered in this State, neither owned nor  
10 operated by his parent or legal guardian, and the  
11 motor vehicle is required by the United States  
12 Department of Transportation to be equipped with seat  
13 belts at the time of manufacture or assembly, the  
14 operator of the motor vehicle shall have the child  
15 properly secured, in accordance with the  
16 manufacturer's instructions, in a child safety seat  
17 that meets the standards described in Federal Motor  
18 Vehicle Safety Standards, 49 Code of Federal Regula-  
19 tions, Part 571, in effect on January 1, 1981. When  
20 such a child safety seat is not available, the oper-  
21 ator shall have the child properly secured in a seat  
22 belt, except when all seating positions equipped with  
23 seat belts are occupied. No exception may apply if  
24 the child is less than one year of age.

25 Any parent, guardian, owner or operator stopped  
26 for a violation of this section and against whom  
27 enforcement action has been taken shall not be guilty  
28 of a subsequent violation of this section until after  
29 24 hours have elapsed from the date and time of the  
30 violation, as indicated on the traffic ticket.

31 Failure to secure a child in a child safety seat  
32 or seat belt shall not be considered negligence  
33 imputable to the child, nor shall that failure be  
34 admissible as evidence in the trial of any civil or  
35 criminal action.

36 Violation of this section is a civil violation  
37 for which a forfeiture of \$25 for the first violation  
38 and \$50 for each subsequent violation may be ad-  
39 judged. The court shall waive any civil fine or cost  
40 against a parent or legal guardian who receives a  
41 civil violation citation for a first violation of  
42 this section if the parent or legal guardian supplies  
43 the court with evidence of acquiring a child safety

1 seat complying with the standards described in Fed-  
2 eral Motor Vehicle Safety Standards, 49 Code of Fed-  
3 eral Regulations, Part 571, in effect January 1,  
4 1981, within 30 days of the issuance of the civil  
5 violation citation.

6 STATEMENT OF FACT

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

15 The United States Department of Transportation  
16 estimates that 75% of all automobile deaths and 90%  
17 of all major injuries of children could be prevented  
18 by the proper use of child safety seats.

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

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

28 Similar pieces of legislation have been adopted  
29 in 23 states to date, including 3 states in New  
30 England (Rhode Island, Massachusetts and Connecti-  
31 cut). Since the implementation of the Tennessee law,  
32 in 1978, statewide use of child safety seats has  
33 increased from 9.2% in 1977 to near 70% in 1981. In  
34 1978, there was a 50% reduction in major injuries and  
35 fatalities, and a 75% reduction in major injuries and  
36 fatalities in 1979.

37 Approved child restraint seats range in price  
38 between \$30 and \$75 and are available at automotive,  
39 department and specialty stores throughout Maine. In

1 addition, a number of mail order catalogs carry these  
2 seats and there are a number of seat loaner programs  
3 now in effect throughout the State.

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