

1	(New Draft of H.P. 719, L.D. 910)
2 3	FIRST REGULAR SESSION
4 5	ONE HUNDRED AND ELEVENTH LEGISLATURE
6 7	Legislative Document No. 1514
89	H.P. 1149 House of Representatives, April 26, 1983 Reported by Report "A" from the Committee on Transportation and printed under Joint Rule 2.
· 10 11	Original bill sponsored by Representative Reeves of Pittston. Cosponsored by Representative Thompson of So. Portland, Senator Gill of Cumberland and Senator Diamond of Cumberland.
12	EDWIN H. PERT, Clerk
13 14	STATE OF MAINE
15 16 17	IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-THREE
18 19 20 21	AN ACT Requiring Motorists to Protect Children in Motor Vehicles by Use of Approved Child Safety Seats.
22 23	Be it enacted by the People of the State of Maine as follows:
24 25	29 MRSA §1368-B, as enacted by PL 1981, c. 405, is repealed and the following enacted in its place:
26	§1368-B. Use of approved child safety seats
27 28 29 30 31 32 33	1. Transportation in vehicle of parent or guardian. When any child who is less than 4 years of age is being transported in a motor vehicle regis- tered in this State and owned or operated by his parent or legal guardian, and the motor vehicle is required by the United States Department of Trans- portation to be equipped with seat belts at the time

of manufacture or assembly, the operator of the motor 1 vehicle shall have the child properly secured, in ac-2 cordance with the manufacturer's instructions, in a child safety seat that meets the standards described 3 4 5 in Federal Motor Vehicle Safety Standards, 49 Code of Federal Regulations, Part 571, in effect on January 6 7 1, 1981. The parent or legal guardian of the child 8 is responsible for providing and installing the child 9 safety seat.

10 2. Transportation in vehicle not owned by parent or guardian. If the child is being transported in a 11 12 motor vehicle registered in this State, neither owned 13 nor operated by his parent or legal guardian, and the 14 motor vehicle is required by the United States Department of Transportation to be equipped with seat 15 belts at the time of manufacture or assembly, the 16 17 operator of the motor vehicle shall have the child properly secured, in accordance with 18 the 19 manufacturer's instructions, in a child safety seat that meets the standards described in Federal Motor 20 Vehicle Safety Standards, 49 Code of Federal Regula-21 tions, Part 571, in effect on January 1, 1981. When 22 such a child safety seat is not available, the oper-23 ator shall have the child properly secured in a seat 24 25 belt, except when all seating positions equipped with seat belts are occupied. No exception may apply if 26 27 the child is less than one year of age.

28 <u>3. Exception and limitation. The requirements</u>
 29 of subsections 1 and 2 shall not apply to any person
 30 over one year of age when the number of passengers
 31 exceeds the seating capacity of the vehicle.

4. Warning. Any person stopped for a violation
of this section during the initial 6 months after
this section takes effect shall be issued a warning
that a violation of this section has occurred.

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36 <u>5. Violation limitation. Any parent, guardian,</u> 37 <u>owner or operator stopped for a violation of this</u> 38 <u>section and against whom enforcement action has been</u> 39 <u>taken shall not be guilty of a subsequent violation</u> 40 <u>of this section until after 24 hours have elapsed</u> 41 <u>from the date and time of the violation, as indicated</u> 42 <u>on the traffic ticket.</u>

1 6. Penalty. Following the initial 6-month warning period, violation of this section is a civil 2 violation for which a forfeiture of \$25 for 3 the first violation and \$50 for each subsequent violation 4 5 may be adjudged. The court shall waive any civil 6 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 7 8 guardian supplies the court with satisfactory evi-dence that the parent or guardian has acquired or 9 10 purchased a child safety seat for continuous use by 11 the child of the parent or guardian. This child safety seat shall comply with the standards described 12 13 in Federal Motor Vehicle Safety Standards, 49 Code of 14 Federal Regulations, Part 571, in effect January 1, 15 16 1981, within 30 days of the issuance of the civil 17 violation citation.

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18 7. Failure to secure a child; use as evidence.
19 Failure to secure a child in a child safety seat or
20 seat belt shall not be considered negligence
21 imputable to the child, nor shall that failure be
22 admissible as evidence in the trial of any civil or
23 criminal action, except for a violation of this
24 section.

STATEMENT OF FACT

The purpose of this new draft is to remove a hardship within the bill and institute a warning during the first 6 months that the provisions of this proposed law are in effect. This new draft proposes:

30 1. When the number of persons exceeds the 31 seating capacity of the vehicle, the restrictions in 32 the new draft would not apply to children over one 33 year of age;

34 2. That any person found in violation of the new
35 draft during the first 6 months of its life would be
36 issued a warning rather than be fined; and

37 3. Any parent or guardian found in violation of 38 the law who produces satisfactory evidence to the 39 court that the parent or guardian has purchased or 1 acquired a child safety seat for continuous use by 2 the child is exempt from the fine.

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