

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 566

7 H.P. 415

House of Representatives, February 14, 1985

8 Reference to the Committee on Transportation suggested and ordered
9 printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Reeves of Pittston.

Cosponsored by Representative Baker of Portland.

11
12 STATE OF MAINE
13

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

17 AN ACT to Require the Use of Seat Belts in
18 Private Passenger Vehicles.
19

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

22 Sec. 1. 29 MRSA §1368-A, as enacted by PL 1965,
23 c. 202, §2, is repealed.

24 Sec. 2. 29 MRSA c. 11, sub-c. VI, Art. 4 and 5
25 are enacted to read:

26 Article 4.
27 Private Passenger Motor Vehicle
28 Safety Belt Usage Act

29 §1471. Popular citation

30 This Article may be cited as the "Private Passen-
31 ger Motor Vehicle Safety Belt Usage Act."

32 §1472. Purpose

1 For the health, welfare and safety of the citi-
2 zens of the State, it is necessary to institute high-
3 way safety measures that will prevent the needless
4 loss of lives, serious injuries and economic loss to
5 society resulting from automobile accidents upon the
6 streets and highways of the State. Automobile acci-
7 dents are the leading cause of death among persons
8 between the ages of 5 and 34. Properly enforced man-
9 datory seat belt laws will contribute to the reduc-
10 tion in automobile deaths and injuries by encouraging
11 greater use of existing manual seat belts.

12 The most effective means of reducing automobile
13 deaths and injuries consists of both mandatory seat
14 belt use laws and automatic crash protection systems.
15 Enactment of this mandatory seat belt law is not
16 deemed to be a substitute for automatic crash protec-
17 tion systems and is in no way an expression of the
18 State in support of rescinding federal requirements
19 for the installation of automatic restraints in new
20 vehicles.

21 §1473. Definition

22 For the purpose of this Article, "private passen-
23 ger motor vehicle" means an automobile or pickup
24 truck registered as provided in this Title for auto-
25 mobiles.

26 §1474. Operator of private passenger motor vehicle

27 No person may operate a private passenger motor
28 vehicle in this State unless:

29 1. Passengers under the age of 4 years. All pas-
30 sengers in the vehicle under the age of 4 years are
31 restrained in a specially designed detachable or re-
32 movable seat or by a safety seat belt as provided in
33 section 1368-B; or

34 2. Passengers 4 years of age and older. All pas-
35 sengers 4 years of age or older are restrained by a
36 safety seat belt.

37 §1475. Passengers in private passenger motor vehi-
38 cles

1 No person 16 years of age or older may be a pas-
2 senger in a private passenger motor vehicle in this
3 State unless the person is restrained by a safety
4 seat belt.

5 §1476. Public employees

6 Employees of the State or any political subdivi-
7 sion of the State who operate state, county or munic-
8 ipally-owned vehicles shall, at all times, wear safe-
9 ty seat belts when operating these vehicles.

10 §1477. Exception

11 This Article shall not apply to passengers or op-
12 erators with a physically disabling condition whose
13 physical disability prevents appropriate restraint in
14 a safety seat or safety seat belt. In this case, a
15 physician shall sign and certify in writing that the
16 passenger or operator has a physical disability that
17 does not permit the use of a safety seat or safety
18 seat belt. The physician shall also certify the na-
19 ture of the handicap, the reason for the
20 inappropriateness of the restraints and the date of
21 the certification.

22 §1478. Penalty

23 Any person who violates sections 1474 to 1476 is
24 guilty of a civil violation for which a forfeiture of
25 \$25 for the first violation and \$50 for each subse-
26 quent offense shall be adjudged.

27 §1479. Failure to use seat belts; use as evidence

28 Failure to comply with sections 1474 to 1476
29 shall not be admissible in evidence in any trial,
30 civil or criminal, to mitigate damages with respect
31 to any person who is involved in a private passenger
32 motor vehicle accident while violating the require-
33 ments of these sections and who seeks in any subse-
34 quent litigation to recover damages for injuries re-
35 sulting from the accident.

36 §1480. Termination of effective date

1 lic safety, health and welfare. In addition, this
2 bill requires all vehicles manufactured after Septem-
3 ber 1, 1989, to comply with the federal standard
4 which mandates automatic crash restraint systems.

5 Both automatic crash protection systems and man-
6 datory seat belt use are necessary to significantly
7 reduce the number of highway deaths and injuries.
8 State mandatory safety belt usage laws are not an al-
9 ternative to automatic restraint crash protection,
10 but are a complement.

11 In July 1984, the United States Department of
12 Transportation issued the rule which requires the in-
13 stallation of automatic restraint systems beginning
14 with the 1987 model year. Another provision of that
15 rule provides that the automatic crash restraint re-
16 quirements will be eliminated if the Secretary of
17 Transportation determines, no later than April 1,
18 1989, that 2/3 of the states have adopted state man-
19 datory safety belt usage laws with an effective date
20 no later than September 1, 1989.

21 This bill includes a provision that does not al-
22 low the State to be included in the number of states
23 adopting mandatory seat belt laws and which could be
24 used by the Secretary of Transportation to eliminate
25 the department rules requiring automatic crash pro-
26 tection systems. To accomplish this end, this bill
27 contains provisions that automatically terminate the
28 bill's provisions upon the secretary's rescision of
29 the automatic crash protection restraint systems.

30 Maine's seat belt law should not be used by the
31 Federal Government to withdraw protection of a feder-
32 al safety standard from citizens in other states.

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