

MAINE STATE LEGISLATURE

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L.D. 1333
(Filing No. S-212)

**STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " A" to S.P. 491, L.D. 1333, Bill, "An Act to Mandate the Use of Seat Belts"

Amend the bill by striking out all of the title and inserting in its place the following:

'An Act to Amend the Laws Concerning the Use of Seat Belts'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'29 MRSA §1368-C, as amended by PL 1987, c. 402, Pt. C, §§8 and 9, is further amended to read:

§1368-C. Use of seatbelts; children at least 4 but under 16 years of age

1. Children at least 4 but under 16 years of age. When a child 4 years of age or older, but less than ~~13~~ 16 years of age, is a passenger in a motor vehicle, which is required by the United States Department of Transportation to be equipped with seat belts, the operator of the motor vehicle shall have the child properly secured in a seat belt or in a child safety seat that meets the requirements set out in 49 Code of Federal Regulations, Part 571.

2. Exception. Subsection 1 does not apply when the number of passengers exceeds the seating capacity of the vehicle.

3. Warnings. 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.

4. Penalty. Following the initial 6-month warning period, violation of this section is a civil violation for which a forfeiture of \$25 for the first violation and \$50 for each subsequent violation may be adjudged.

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COMMITTEE AMENDMENT "A" to S.P. 491, L.D. 1333

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5. Failure to secure child; use as evidence. Failure to secure a child, in accordance with this section, may not be considered negligence imputable to the child, nor may that failure be admissible as evidence in any civil or criminal action.

FISCAL NOTE

It is anticipated that all costs resulting from the potential for additional cases to be filed throughout the Maine District Court System would be absorbed by the Judicial Department utilizing existing resources. Also, the Department of Public Safety anticipates no additional costs resulting from this bill.'

STATEMENT OF FACT

The amendment, which replaces the entire bill, would require use of seatbelts by children at least 4 but under 16 years of age. Under present law, the requirement applies to children at least 4 but under 13 years of age.

Reported by the Minority Report for the Committee on Transportation. Reproduced and Distributed Pursuant to Senate Rule 12.
(6/5/89) (Filing No. S-212)