

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DATE: April 26, 1995 (Filing No. S- 92)

TRANSPORTATION

Reported by: Report B of the Committee.

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " B " to S.P. 77, L.D. 165, Bill, "An Act to Require All Persons to Use Safety Belts in Motor Vehicles"

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 24-A MRSA §2902-F' is enacted to read:

§2902-F. Mandatory reduction in premiums to reflect increased use of seat belts

For a period of 2 years beginning on October 1, 1995 and ending September 30, 1997, the superintendent shall require that rates, rating schedules and rating manuals for motor vehicle insurance provide for a reduction in the bodily injury premium and in the medical payments premium. Rates for these 2 components of motor vehicle insurance must each be 5% below the rate supported in accordance with section 2303. A policy for motor vehicle insurance issued or renewed between October 1, 1995 and September 30, 1997, inclusive, must be based on rates revised to include the 5% reduction.

This section is repealed October 1, 1997.'

Further amend the bill by striking out all of sections 2 and 3 and inserting in their place the following:

R 08

'Sec. 2. 29-A MRSA §2081, sub-§3-A is enacted to read:

3-A. Other passengers; operators. When a person 4 years of age or older is a passenger in a vehicle that is required by the United States Department of Transportation to be equipped with seat belts, the operator must have the person properly secured in a seat belt. The operator of a vehicle that is required by the United States Department of Transportation to be equipped with seat belts must be secured in the operator's seat belt.

Sec. 3. 29-A MRSA §2081, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. Enforcement. The following provisions apply to subsections 2 and 3 3-A.

A. The requirements do not apply to a passenger over one year of age when the number of passengers exceeds the vehicle seating capacity and all of the seat belts are in use.

A-1. The requirements of subsection 3-A do not apply to a driver or passenger who has a medical condition that, in the opinion of a physician, warrants an exemption from the requirements of subsection 3-A and that medical condition and opinion are documented by a certificate from that physician. That certificate is valid for 5 years.

B. A person against whom enforcement action has been taken is not guilty of a subsequent violation of subsection 2 until 24 hours have elapsed from the date and time of the first violation indicated on the Violation Summons and Complaint.

C. A violation of ~~this-section~~ subsection 2 is a traffic infraction. The court shall waive the fine for a first violation of subsection 2 by a parent or legal guardian if the parent or legal guardian provides the court with satisfactory evidence that the parent or legal guardian has acquired a child safety seat for continuous use by the child within 30 days of the violation.

D. A violation of subsection 3-A is a traffic infraction. The fine for a violation of subsection 3-A may not be less than \$25 nor more than \$50.

E. Subsection 3-A may be enforced only if a law enforcement officer has detained the operator of a motor vehicle for a suspected violation of another law. An operator is not subject to the penalty established in paragraph D unless the

RCS

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48

operator is required to pay a fine for the primary violation.'

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

This bill may avoid an annual reduction of federal highway funds to the Department of Transportation estimated at \$1,600,000 beginning in fiscal year 1995-96. These funds are made available to the Highway Safety Program within the Department of Public Safety.

A new traffic infraction is also established. The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenue by minor amounts.

The Bureau of Insurance will incur some minor additional costs to administer and enforce the motor vehicle insurance rate reduction requirements. These costs can be absorbed within the bureau's existing budgeted resources.'

STATEMENT OF FACT

This amendment is a minority report of the Joint Standing Committee on Transportation. This amendment clarifies that the operator of a vehicle is charged when a violation of seat belt provisions occurs. It creates an exemption for a person with a medical condition, documented by a physician, that precludes wearing a seat belt. It limits the fine to a maximum of \$50 for a violation of the seat belt provision for persons 4 years of age and over. It adds a provision allowing enforcement of the mandatory seat belt provision for persons 4 years of age and over only when a vehicle is stopped for a suspected violation of another law. This amendment also provides for a 5% mandatory reduction in the bodily injury and medical payments premium components of motor vehicle insurance for a period of 2 years following the effective date of this bill. This amendment adds a fiscal note to the bill.