

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
117TH LEGISLATURE  
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1265, L.D. 1740, Bill, "An Act to Exempt Working Rural Mail Carriers from the Seat Belt Law"

Amend the amendment by striking out everything after the substitute title and before the statement of fact and inserting in its place the following:

'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:

'Sec. 1. 29-A MRSA §2081, sub-§3. as repealed by PL 1995, c. 432, §1 and affected by §4, is reenacted to read:

3. Person between 4 and 19. When a person 4 years of age or older, but less than 19 years of age, 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 or in a child safety seat. When a person who is less than 19 years of age is the operator of a vehicle that is required by the United States Department of Transportation to be equipped with seat belts, that operator must be properly secured in a seat belt.

Sec. 2. 29-A MRSA §2081, sub-§3-A, as enacted by PL 1995, c. 432, §2 and affected by §4, is amended to read:

3-A. Other passengers; operators. When a person --4- 19 years of age or older is a passenger in a vehicle that is

2 required by the United States Department of Transportation to be  
equipped with seat belts, the operator must have the person  
4 properly secured in a seat belt. The operator of a vehicle that  
is required by the United States Department of Transportation to  
6 be equipped with seat belts must be secured in the operator's  
seat belt.

8 **Sec. 3. 29-A MRSA §2081, sub-§4**, as amended by PL 1995, c. 65,  
Pt. A, §107 and affected by §153 and Pt. C, §15 and amended by c.  
10 432, §3 and affected by §4, is further amended to read:

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

14  
16 A. The requirements do not apply to a passenger over one  
year of age when the number of passengers exceeds the  
18 vehicle seating capacity and all of the seat belts are in  
use.

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

26  
28 B. A person against whom enforcement action has been taken  
may not be adjudicated to have committed a subsequent  
30 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.

32  
34 C. A violation of subsection 2 is a traffic infraction.  
The court shall waive the fine for a first violation of  
36 subsection 2 by a parent or legal guardian if the parent or  
legal guardian provides the court with satisfactory evidence  
38 that the parent or legal guardian has acquired a child  
safety seat for continuous use by the child within 30 days  
of the violation.

40  
42 D. A violation of subsection 3 or 3-A is a traffic  
infraction. The fine for a violation of subsection 3 or 3-A  
44 may not be less than \$25 nor more than \$50.

46  
48 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  
operator is required to pay a fine for the primary violation.  
50

Sec. 4. 29-A MRSA §2081, sub-§6 is enacted to read:

6. Exceptions. Notwithstanding subsection 3-A:

A. A rural mail carrier of the United States Postal Service is not required to be secured in a seat belt while engaged in the delivery of mail; and

B. The operator of a taxicab is not responsible for securing in a seat belt a passenger transported for a fee.' '


**FISCAL NOTE**

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

**STATEMENT OF FACT**

This amendment makes it a primary violation if a person between the ages of 4 and 19 years of age is not secured in a seat belt and makes it a secondary violation if a person 19 years of age or over is not secured in a seat belt.

This amendment also exempts taxi drivers from the responsibility of having paying passengers use a seat belt. It amends the language in the original bill to clarify that the rural postal carrier is exempt from the seat belt provision requiring the operator of a motor vehicle to be buckled.

SPONSORED BY:   
(Representative KILKELLY)

TOWN: Wiscasset