

# MAINE STATE LEGISLATURE

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L.D. 1867

DATE: 3-12-02

(Filing No. H-896)

MAJORITY  
TRANSPORTATION

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
120TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1421, L.D. 1867, Bill, "An Act to Ensure the Safety of Maine Children While Riding in a Vehicle"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 29-A MRSA §2081, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Child safety seat" means a child safety seat that meets the standards described in the Federal Motor Vehicle Safety Standards.

B. "Federal Motor Vehicle Safety Standards" means the standards described in 49 Code of Federal Regulations, Part 571, in effect on January 1, 1981, as subsequently amended.

C. "Federally approved child restraint system" means a child passenger restraint system that is designed to elevate a child to enable that child to properly sit in a federally approved lap and shoulder belt system and that meets the requirements of the Federal Motor Vehicle Safety Standards.

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

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6           **2. Children under 40 pounds.** When a child who ~~is weighs~~  
less than ~~4--years--of--age~~ 40 pounds is being transported in a  
8           motor vehicle that is required by the United States Department of  
Transportation to be equipped with safety seat belts, the  
10           operator must have the child properly secured in accordance with  
the manufacturer's instructions in a child safety seat.

12           **Sec. 3. 29-A MRSA §2081, sub-§3**, as amended by PL 1997, c.  
450, §1, is repealed and the following enacted in its place:

14           **3. Passengers less than 18 years of age.** Except as  
16           provided in subsection 2, the following provisions apply to  
passengers less than 18 years of age riding in a vehicle that is  
18           required by the United States Department of Transportation to be  
equipped with seat belts.

20           A. The operator shall ensure that a child who weighs at  
22           least 40 pounds but less than 80 pounds and who is less than  
8 years of age is properly secured in a federally approved  
24           child restraint system.

26           B. The operator shall ensure that a child who is less than  
18 years of age but more than 8 years of age or who is less  
28           than 18 years of age and more than 4 feet, 7 inches in  
height is properly secured in a seat belt unless that child  
30           is required to be secured in a federally approved child  
restraint system pursuant to this subsection or in a child  
32           safety seat pursuant to subsection 2.

34           C. The operator shall ensure that a child who is less than  
12 years of age and who weighs less than 100 pounds is  
36           properly secured in the rear seat of a vehicle, if possible.

38           **Sec. 4. 29-A MRSA §2081, sub-§4, ¶B**, as amended by PL 1995, c.  
65, Pt. A, §107 and affected by §153 and Pt. C, §15, is further  
40           amended to read:

42           B. A person against whom enforcement action has been taken  
may not be adjudicated to have committed a subsequent  
44           violation of subsection 2 or subsection 3, paragraph A until  
24 hours have elapsed from the date and time of the first  
46           violation indicated on the Violation Summons and Complaint.

48           **Sec. 5. 29-A MRSA §2801, sub-§4, ¶C**, as amended by PL 1995, c.  
432, §3 and affected by §4, is further amended to read:

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C. A violation of subsection 2 or subsection 3, paragraph A is a traffic infraction. The court shall waive the fine for a first violation of subsection 2 or subsection 3, paragraph A 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 or federally approved child restraint system for continuous use by the child within 30 days of the violation.

**Sec. 6. Effective date.** This Act takes effect January 1, 2003.'

Further amend the bill by inserting at the end before the summary the following:

**FISCAL NOTE**

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.'

**SUMMARY**

This is the majority report of the Joint Standing Committee on Transportation. This amendment replaces the bill and requires a child who weighs less than 40 pounds to be secured in a child safety seat; current law requires a child less than 4 years of age to be placed in a child safety seat. The amendment also requires a child who weighs at least 40 pounds but less than 80 pounds and who is less than 8 years of age to be secured in a federally approved child restraint system when riding in a motor vehicle. A child who is less than 18 years of age is required to be secured by the operator of the motor vehicle in a child safety seat, a federally approved child restraint system or seat belt, depending on the weight, age or height of the child. A child under 12 years of age or who weighs less than 100 pounds is required to be secured in the back seat of a vehicle, if possible. The amendment also strikes language in the bill that requires a child under 12 years of age or who weighs less than 100 pounds to be secured in the back seat only when the vehicle is equipped with a front seat, passenger-side air bag. The amendment also adds a fiscal note to the bill.