

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2020

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Legislative Document

No. 1900

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S.P. 652

In Senate, December 24, 2019

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### **An Act To Amend the Laws Governing Motor Vehicle Child Restraint Systems To Allow Certain Exceptions**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 20, 2019. Referred to the Committee on Transportation pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator CYRWAY of Kennebec.  
Cosponsored by Representative O'NEIL of Saco and  
Senators: DAVIS of Piscataquis, LUCHINI of Hancock, POULIOT of Kennebec,  
TIMBERLAKE of Androscoggin, Representatives: MAREAN of Hollis, MEYER of Eliot,  
SCHNECK of Bangor, STROM of Pittsfield.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 29-A MRSA §2081, sub-§1, ¶A-4** is enacted to read:

3 A-4. "Child passenger safety technician with special needs training" means a person  
4 certified by a national child passenger safety certification program using a curriculum  
5 approved by the National Highway Traffic Safety Administration to provide  
6 instruction in the use of child restraint systems who also has special needs training  
7 provided by that program.

8 **Sec. 2. 29-A MRSA §2081, sub-§2-A**, as enacted by PL 2019, c. 299, §2, is  
9 amended to read:

10 **2-A. Children under 2 years of age.** When a child who is less than 2 years of age  
11 is being transported in a motor vehicle that is required by the United States Department of  
12 Transportation to be equipped with seat belts, the operator shall ensure that the child is  
13 properly secured in a rear-facing child restraint system or convertible child restraint  
14 system properly secured in the rear-facing position in accordance with the child restraint  
15 system manufacturer's instructions and the vehicle manufacturer's instructions, except if  
16 the child is in a convertible child restraint system and the child exceeds the manufacturer  
17 recommended weight or height limit for the rear-facing position the child may be  
18 properly secured in a forward-facing position in accordance with the child restraint  
19 system manufacturer's instructions and the vehicle manufacturer's instructions. Violation  
20 of this subsection is a traffic infraction for which a fine of \$50 for the first offense, \$125  
21 for the 2nd offense and \$250 for the 3rd and subsequent offenses must be imposed. A fine  
22 imposed under this subsection may not be suspended by the court.

23 **Sec. 3. 29-A MRSA §2081, sub-§2-B**, as enacted by PL 2019, c. 299, §2, is  
24 amended to read:

25 **2-B. Children 2 years of age or older and weighing less than 55 pounds.** When a  
26 child who is 2 years of age or older and who weighs less than 55 pounds is being  
27 transported in a motor vehicle that is required by the United States Department of  
28 Transportation to be equipped with seat belts, the operator shall ensure that the child is  
29 properly secured in a child restraint system in accordance with the child restraint system  
30 manufacturer's instructions and the vehicle manufacturer's instructions except that, if the  
31 child exceeds the child restraint manufacturer's recommended height limit for the child  
32 restraint system, the operator shall ensure that the child is properly secured in a federally  
33 approved belt positioning seat. Violation of this subsection is a traffic infraction for  
34 which a fine of \$50 for the first offense, \$125 for the 2nd offense and \$250 for the 3rd  
35 and subsequent offenses must be imposed. A fine imposed under this subsection may not  
36 be suspended by the court.

37 **Sec. 4. 29-A MRSA §2081, sub-§3, ¶C**, as enacted by PL 2001, c. 585, §3 and  
38 affected by §6, is amended to read:

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

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**Sec. 5. 29-A MRSA §2081, sub-§4, ¶A-2** is enacted to read:

A-2. The requirements of subsections 2-A, 2-B and 3 do not apply if a child passenger has a medical condition that, in the opinion of a physician, nurse practitioner, physician assistant or child passenger safety technician with special needs training, necessitates that a different child restraint system be used to improve the safety of the child. An opinion rendered pursuant to this paragraph must be made in writing by the physician, nurse practitioner, physician assistant or child passenger safety technician with special needs training and must explain the basis of the opinion.

**SUMMARY**

This bill amends the laws governing motor vehicle child restraint systems to provide exceptions for children who exceed a manufacturer's recommended height limit and for children who have a medical condition that necessitates a different child restraint system.