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An Act To Update the Laws Governing Child Safety Seats and Seat Belts

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

Sec. 1. 29-A MRSA §1861, last ¶, as enacted by PL 2007, c. 150, §9, is amended to read:

For purposes of this section, "personal effects" includes medications, medical equipment, clothing, mail, ~~child safety seats~~restraint systems and similar items. Except for ~~child safety seats~~restraint systems, items attached to the vehicle and business equipment, machinery and tools are not considered personal effects. For the purposes of this section, "child restraint system" has the same meaning as in section 2081, subsection 1, paragraph A-2.

Sec. 2. 29-A MRSA §2081, as amended by PL 2009, c. 34, §1 and c. 436, §1, is further amended to read:

§ 2081. Use of safety seat belts and child restraint systems

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.~~

A-1. "Belt positioning seat" means a child restraint system that positions a child on a motor vehicle seat to improve the fit of a seat belt on the child.

A-2. "Child restraint system" means any device, except a Type I seat belt or Type II seat belt, designed for use in a motor vehicle to restrain, seat and position children who weigh 80 pounds or less and that meets the requirements of the Federal Motor Vehicle Safety Standard 213.

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 safety restraint that is intended to be used as crash protection in vehicles and that meets the requirements of the Federal Motor Vehicle Safety Standard 213.~~

D. "Rear-facing child restraint system" means a child restraint system that positions a child to face in the direction opposite to the normal direction of travel of the motor vehicle.

E. "Type I seat belt" means a lap belt designed for pelvic restraint of a person seated in a motor vehicle.

F. "Type II seat belt" means a combination of belts designed for pelvic and upper torso restraint of a person seated in a motor vehicle.

~~2. **Children under 40 pounds.** When a child who weighs less than 40 pounds is being transported in a motor vehicle that is required by the United States Department of Transportation to be equipped with safety seat belts, the operator must have the child properly secured in accordance with the manufacturer's instructions in a child safety seat. Violation of this subsection is a traffic infraction for which a fine of \$50 for the first offense, \$125 for the 2nd offense and \$250 for the 3rd and subsequent offenses must be imposed. A fine imposed under this subsection may not be suspended by the court.~~

2-A. **Children under 2 years of age.** When a child who is less than 2 years of age is being transported in a motor vehicle that is required by the United States Department of Transportation to be equipped with seat belts, the operator shall ensure that the child is properly secured in a rear-facing child restraint system in accordance with the child restraint system manufacturer's instructions and the vehicle manufacturer's instructions. Violation of this subsection is a traffic infraction for which a fine of \$70 for the first offense, \$160 for the 2nd offense and \$310 for the 3rd and subsequent offenses must be imposed. A fine imposed under this subsection may not be suspended by the court.

2-B. **Children 2 years of age or older and weighing less than 55 pounds.** When a child who is 2 years of age or older and who weighs less than 55 pounds is being transported in a motor vehicle that is required by the United States Department of Transportation to be equipped with seat belts, the operator shall ensure that the child is properly secured in a child restraint system in accordance with the child restraint system manufacturer's instructions and the vehicle manufacturer's instructions. Violation of this subsection is a traffic infraction for which a fine of \$70 for the first offense, \$160 for the 2nd offense and \$310 for the 3rd and subsequent offenses must be imposed. A fine imposed under this subsection may not be suspended by the court.

3. Passengers less than 18 years of age. Except as provided in ~~subsection 2~~subsections 2-A and 2-B, the following provisions apply to passengers less than 18 years of age riding in a vehicle that is required by the United States Department of Transportation to be equipped with seat belts. Violation of this subsection is a traffic infraction for which a fine of ~~\$50~~\$70 for the first offense, ~~\$125~~\$160 for the 2nd offense and ~~\$250~~\$310 for the 3rd and subsequent offenses must be imposed. A fine imposed under this subsection may not be suspended by the court.

A. ~~The operator shall ensure that a child who weighs at least 40 pounds but less than 80 pounds, who is less than 57 inches in height and who is less than 8 years of age is properly secured in a federally approved child restraint system. Nonprofit, municipal or contracted transportation service providers are exempt from this paragraph until February 1, 2005, except that the operator shall ensure that the child is properly secured in a seat belt positioning seat in accordance with the child restraint system manufacturer's instructions and the vehicle manufacturer's instructions.~~

B. ~~The operator shall ensure that a child who is less than 18 years of age and at least 8 years of age or who is less than 18 years of age and more than 4 feet, 9 inches in height and who is not required to be secured under paragraph A or subsection 2-A or 2-B is properly secured in a seat belt.~~

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

3-A. Other passengers 18 years of age and older; operators. When a person 18 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 passenger must be properly secured in a seat belt. Each such passenger is responsible for wearing a seat belt as required by this subsection, and a passenger that fails to wear a seat belt as required by this subsection is subject to the enforcement provisions of subsection 4. The operator of a vehicle that is required by the United States Department of Transportation to be equipped with seat belts must be properly secured in the operator's seat belt. Violation of this subsection is a traffic infraction for which a fine of ~~\$50~~\$70 for the first offense, ~~\$125~~\$160 for the 2nd offense and ~~\$250~~\$310 for the 3rd and subsequent offenses must be imposed. A fine imposed under this subsection may not be suspended by the court. A vehicle, the contents of a vehicle, the driver of or a passenger in a vehicle may not be inspected or searched solely because of a violation of this subsection.

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

A. ~~Unless the vehicle is operated by a person under 21 years of age, the~~The requirements of subsection 3-A do not apply to a passenger over ~~one year~~18 years 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 the period designated by the physician, which may not exceed one year. The Secretary of State may issue a removable windshield placard that is visible to law enforcement officers to a person with a certificate from a physician. A removable windshield placard is a 2-sided permit designed to hang from the rearview mirror when the vehicle is in motion without obstructing the view of the operator. The placard must be displayed by hanging it from the rearview mirror so that it may be viewed from the front and rear of the vehicle when the vehicle is in motion. If the vehicle is not equipped with a rearview mirror, the placard must be displayed on the dashboard. The placard must be identifiable as a seat belt placard as designed by the Secretary of State. A placard issued to a person under this paragraph expires when the physician's certificate expires.

5. Evidence. ~~In an accident involving a motor vehicle, the nonuse of seat belts by the operator or passengers or the failure to secure a child is not admissible in evidence in a civil or criminal trial, except in a trial for violation of this section.~~

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;

B. The operator of a taxicab or a limousine is not responsible for securing in a seat belt a passenger transported for a fee; and

C. A newspaper delivery person is not required to be secured in a seat belt while engaged in the actual delivery of newspapers from a vehicle or performing newspaper delivery duties that require frequent entry into and exit from a vehicle.

SUMMARY

This bill amends the laws governing the use of seat belts and child restraint systems in motor vehicles. It defines several types of child restraint systems and establishes requirements for the use of child restraint systems based on a child's age, height and weight. It increases the fines for violations of the law. It repeals a provision in current law making the nonuse of seat belts or the failure to secure a child not admissible in evidence in a civil or criminal trial involving a motor vehicle accident.