

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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

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

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

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 or convertible child restraint system properly secured in the rear-facing position in accordance with the child restraint system manufacturer's instructions and the vehicle manufacturer's instructions, except if the child is in a convertible child restraint system and the child exceeds the manufacturer recommended weight or height limit for the rear-facing position the child may be properly secured in a forward-facing position 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 \$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.

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

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 except that, if the child exceeds the child restraint manufacturer's recommended height limit for the child restraint system, the operator shall ensure that the child is properly secured in a federally approved belt positioning 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.

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

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.

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.