

Date: (Filing No. S-)

TRANSPORTATION

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**STATE OF MAINE
SENATE
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 389, L.D. 1269, Bill, “An Act To Update the Laws Governing Child Safety Seats and Seat Belts”

Amend the bill in section 2 in §2081 in subsection 1 by inserting after paragraph A-2 the following:

'A-3. "Convertible child restraint system" means a child restraint system capable of positioning a child to face either in the direction of the front of the motor vehicle or the rear of the motor vehicle.'

Amend the bill in section 2 in §2081 in subsection 1 in paragraph D in the 2nd line (page 1, line 30 in L.D.) by striking out the following: "in the direction opposite to the normal direction of travel" and inserting the following: 'the rear'

Amend the bill in section 2 in §2081 by striking out all of subsection 2-A (page 2, lines 5 to 12 in L.D.) and inserting the following:

'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 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.'

Amend the bill in section 2 in §2081 in subsection 2-B in the 7th and 8th line (page 2, lines 19 and 20 in L.D.) by striking out the following: "\$70 for the first offense, \$160 for

COMMITTEE AMENDMENT

1 the 2nd offense and \$310" and inserting the following: '\$50 for the first offense, \$125 for
2 the 2nd offense and \$250'

3 Amend the bill in section 2 in §2081 in subsection 3 in the 5th and 6th lines (page 2,
4 lines 26 and 27 in L.D.) by striking out the following: "~~\$50 \$70~~ for the first offense, ~~\$125~~
5 ~~\$160~~ for the 2nd offense and ~~\$250 \$310~~" and inserting the following: '\$50 for the first
6 offense, \$125 for the 2nd offense and \$250'

7 Amend the bill in section 2 in §2081 in subsection 3-A in the 9th and 10th lines (page
8 3, lines 9 and 10 in L.D.) by striking out the following: "~~\$50 \$70~~ for the first offense,
9 ~~\$125 \$160~~ for the 2nd offense and ~~\$250 \$310~~" and inserting the following: '\$50 for the
10 first offense, \$125 for the 2nd offense and \$250'

11 Amend the bill in section 2 in §2081 by striking out all of subsection 5 (page 3, lines
12 35 to 37 in L.D.) and inserting the following:

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

16 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
17 section number to read consecutively.

18 **SUMMARY**

19 This amendment makes the following changes to the bill.

20 1. It defines "convertible child restraint system" and allows a child under 2 years of
21 age properly secured in a convertible child restraint system to ride in a forward-facing
22 position if the child exceeds the manufacturer recommended weight limit for a rear-facing
23 position.

24 2. It retains fines for the violation of seat belt laws at current statutory levels.

25 3. It removes the changes in the bill regarding the inadmissibility of evidence for
26 failure to properly secure a child.

27 **FISCAL NOTE REQUIRED**

28 **(See attached)**