

§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. [PL 2019, c. 299, §2 (RP).]

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. [PL 2019, c. 299, §2 (NEW).]

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. [PL 2019, c. 299, §2 (NEW).]

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. [PL 2019, c. 299, §2 (NEW).]

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. [PL 2019, c. 577, §1 (NEW).]

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. [PL 2001, c. 585, §1 (NEW); PL 2001, c. 585, §6 (AFF).]

C. [PL 2019, c. 299, §2 (RP).]

D. "Rear-facing child restraint system" means a child restraint system that positions a child to face the rear of the motor vehicle. [PL 2019, c. 299, §2 (NEW).]

E. "Type I seat belt" means a lap belt designed for pelvic restraint of a person seated in a motor vehicle. [PL 2019, c. 299, §2 (NEW).]

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. [PL 2019, c. 299, §2 (NEW).]
[PL 2019, c. 577, §1 (AMD).]

2. Children under 40 pounds.

[PL 2019, c. 299, §2 (RP).]

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.

[PL 2019, c. 577, §2 (AMD).]

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 with an internal harness 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 system 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. [PL 2021, c. 293, Pt. B, §5 (AMD).]

3. Passengers less than 18 years of age. Except as provided in 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 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.

A. The operator shall ensure that a child who weighs 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 belt positioning seat or other child restraint system in accordance with the child restraint system manufacturer's instructions and the vehicle manufacturer's instructions. [PL 2019, c. 577, §4 (AMD).]

B. The operator shall ensure that a child who is less than 18 years of age 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. [PL 2019, c. 299, §2 (AMD).]

C. The operator shall ensure that a child who is less than 12 years of age is properly secured in the rear seat of a vehicle, if possible. [PL 2019, c. 577, §5 (AMD).]
[PL 2019, c. 577, §§4, 5 (AMD).]

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 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. 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. [PL 2019, c. 299, §2 (AMD).]

4. Enforcement. The following provisions apply to subsection 3-A.

A. The requirements of subsection 3-A do not apply to a passenger over 18 years of age when the number of passengers exceeds the vehicle seating capacity and all of the seat belts are in use. [PL 2019, c. 299, §2 (AMD).]

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. [PL 2009, c. 436, §1 (AMD).]

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:

- (1) Be made in writing by the physician, nurse practitioner, physician assistant or child passenger safety technician with special needs training;
- (2) Recommend a child restraint system that would improve the safety of the child; and
- (3) Explain the basis of the opinion.

The operator of a motor vehicle transporting a child identified in this paragraph shall ensure the child is properly secured in a child restraint system recommended in the opinion rendered by the physician, nurse practitioner, physician assistant or child passenger safety technician with special needs training under this paragraph in accordance with the child restraint system manufacturer's instructions and the vehicle manufacturer's instructions. [PL 2019, c. 577, §6 (NEW).]

B. [PL 2005, c. 12, Pt. AAA, §4 (RP).]

C. [PL 2005, c. 12, Pt. AAA, §5 (RP).]

D. [PL 2005, c. 12, Pt. AAA, §6 (RP).]

E. [PL 2007, c. 60, §2 (RP).]

[PL 2019, c. 577, §6 (AMD).]

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.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

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; [PL 2009, c. 34, §1 (AMD).]

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 [PL 2009, c. 34, §1 (AMD).]

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. [PL 2009, c. 34, §1 (NEW).]

[PL 2009, c. 34, §1 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §A107 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 432, §§1-3 (AMD). PL 1995, c. 432, §4 (AFF). PL 1995, c. 597, §§1-4 (AMD). PL 1997, c. 450, §§1-4 (AMD). PL 1997, c. 737, §7 (AMD). PL 2001, c. 585, §§1-5 (AMD). PL 2001, c. 585, §6 (AFF). PL 2001, c. 710, §15 (AMD). PL 2001, c. 710, §16 (AFF). PL 2003, c. 380, §§1-4 (AMD). PL 2003, c. 380, §5 (AFF). PL 2005, c. 12,

§§AAA1-6 (AMD). PL 2007, c. 60, §§1, 2 (AMD). PL 2007, c. 295, §2 (AMD). PL 2009, c. 34, §1 (AMD). PL 2009, c. 436, §1 (AMD). PL 2019, c. 299, §2 (AMD). PL 2019, c. 577, §§1-6 (AMD). PL 2021, c. 293, Pt. B, §5 (AMD).

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