

SENATE No. 1043

By Mr. Backman, a petition (accompanied by bill, Senate, No. 1043) of Jack H. Backman, Alan D. Sisitsky, John A. Businger and James G. Collins for legislation to affect the public health of children and infants in the use of children and infant safety equipment in automobiles and giving certain powers to the Commissioner of Public Health. Public Safety.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-nine.

AN ACT AFFECTING THE PUBLIC HEALTH OF CHILDREN AND INFANTS
IN THE USE OF CHILD AND INFANT SAFETY EQUIPMENT IN AUTO-
MOBILES AND GIVING CERTAIN POWERS TO THE COMMISSIONER OF
PUBLIC HEALTH.

*Be it enacted by the Senate and House of Representatives in General
Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 7 of chapter 90 of the General Laws, as
2 appearing in chapter 684 of the acts of 1970, is hereby fur-
3 ther amended by inserting after the sixth paragraph the fol-
4 lowing paragraph: —
5 No child less than four years of age or less than forty
6 pounds shall ride as a passenger in any motor vehicle on a
7 public highway unless said child is seated in a seating posi-
8 tion within said motor vehicle equipped with safety belts in
9 accordance with the provisions of federal law or the rules or
10 regulations issued by the department of transportation of the
11 United States. No such child, if his or her seating position is
12 equipped with a lap belt, shall ride as a passenger in any motor
13 vehicle on a public highway unless he or she is using a proper-
14 ly adjusted and secured child or infant restraint approved by
15 the commissioner of public health, and, provided further, that
16 such restraint is suitable for the physical development and
17 weight of said child. The provisions of this paragraph shall
18 not apply to any such child who is (1) riding as a passenger
19 in a motor vehicle in which all seating positions equipped with

20 child or infant restraints are occupied by other children who
21 are using said restraints; (2) unable to use a child or infant
22 restraint for medical reasons; provided, however, that a li-
23 censed physician shall certify such condition to be true; and
24 provided further that the operator of the motor vehicle, in
25 which the child shall be a passenger, shall be in possession
26 of such certification; and (3) physically unable to use a child
27 or infant restraint due to physical emergency. Any operator
28 of a motor vehicle who violates the provisions of this para-
29 graph shall be subject to a fine of not less than five dollars
30 and not more than twenty-five dollars; provided, however,
31 that said operator shall not be liable of contributory negli-
32 gence for such violation.

1 SECTION 2. Section 2 of chapter 111 of the General Laws,
2 as appearing in section 1 of chapter 5 of the acts of 1971, is
3 hereby further amended by inserting after the second para-
4 graph the following paragraph: —

5 Six months next following the date of enactment of this act,
6 the commissioner shall, after a public hearing, set minimum
7 specifications, guidelines, and standards, including, but not
8 limited to, the construction, performance, and correct use of
9 child or infant safety restraints in automobiles. Such specifica-
10 tions, guidelines, and standards shall be made available to the
11 public for general distribution by the commissioner.

1 SECTION 3. This act shall take effect six months next fol-
2 lowing the issuance by the commissioner of public health of
3 the specifications, guidelines, and standards in section two of
4 this act.