

By Mr. White of Worcester, petition (accompanied by bill, House, No. 3208) of Thomas P. White for legislation to require the use of seat belts in pleasure passenger vehicles. Public Safety.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-Five.

**AN ACT REQUIRING THE USE OF SEAT BELTS IN PLEASURE PASSENGER VEHICLES.**

*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 1 of chapter 90 of the general laws is  
2 hereby amended by inserting after the definition of "commis-  
3 sioner" inserted by section 1 of chapter 761 of the acts of 1979, the  
4 following definition: —

5 "crash protection device", a passive restraint device which oper-  
6 ates automatically upon impact in accordance with the provisions  
7 of federal laws and regulations, and approved by the United States  
8 Department of Transportation pursuant to Federal Motor Vehicle  
9 Safety Standard, Number 208, section 4.1.2.1.

1 SECTION 2. Said chapter 90 is hereby further amended by  
2 inserting after section 7AA, inserted by chapter 680 of the acts of  
3 1981, the following section: —

4 *Section 7AAA.* No person shall operate a pleasure passenger  
5 vehicle nor ride as a passenger in said vehicle unless such person is  
6 wearing a safety belt which is properly adjusted and fastened.

7 The provisions of this section shall not apply to: (1) any child less  
8 than five years of age who is subject to the provisions of section  
9 7AA of chapter 90; (2) any person riding as a passenger in a  
10 pleasure passenger vehicle in which all seating positions equipped  
11 with safety belts are occupied by other passengers who are using

12 said restraints; (3) any person riding as a passenger in a pleasure  
13 passenger vehicle used to transport passengers for hire; (4) any  
14 person riding as a passenger in a pleasure passenger vehicle not  
15 equipped with safety belts; (5) any person who is physically unable  
16 to use safety belts and whose disability is duly certified by a licensed  
17 physician.

18 Any person who violates the provisions of this section shall be  
19 subject to a fine of not more than twenty dollars; provided, how-  
20 ever, such fine shall be imposed upon the operator of the vehicle in  
21 the event that the violator is under sixteen years of age.

22 A violation of this section shall be admissible as evidence of  
23 contributory negligence in order to mitigate damages in any civil  
24 action.

1 SECTION 3. Any pleasure passenger vehicle offered for sale or  
2 registered in the commonwealth which is manufactured on or after  
3 September 1, 1989, shall be equipped with an automatic crash  
4 protection device as defined in section 1.

1 SECTION 4. The provisions of section 2 shall cease to be effec-  
2 tive immediately upon such date as the Secretary of the United  
3 States Department of Transportation, acting pursuant to the Fed-  
4 eral Motor Vehicle Safety Standard Number 208, section 4.1.5.1.,  
5 determines to rescind that portion of said Standard Number 208  
6 which requires the installation of automatic restraints in new cars.