

JURISDICTION:
General Reference:

MASSACHUSETTS
Massachusetts General Laws Annotated

Required Use of Safety Belts¹:

Requirements:

No person shall operate or ride in a private passenger motor vehicle, vanpool vehicle or truck weighing <18,000 lbs. unless they are secured in a safety belt.² Ch. 90, §13A (¶1) Note: For children >5 but ≤12 years old, see Required Use of Child Restraint Systems below.

Secondary Enforcement. A law enforcement officer can only enforce this provision when a vehicle operator has been stopped for a violation of other provisions of law. Ch. 90, §13A (¶2)

Sanctions for Failure to Use or
Require the Use of Safety Belts:

Civil Motor Vehicle Infraction: A fine of **\$25**.³ Ch. 90, §13A (¶2) and Ch. 90C, §1 Note: A violation of this requirement shall not be considered as a conviction of a moving violation of the motor vehicle laws for the purpose of determining surcharges on motor vehicle premiums. Ch. 90, §13A

Effect on Civil Liability:

There are no statutory provisions.⁴

Required Use of Child Safety Restraint Systems⁵:

Requirements:

I. No child <5 years old and weighing ≤40 lbs. shall ride in a motor vehicle unless the child is fastened in a child passenger restraint. Ch. 90, §7AA (¶1)

II. No child ≥5 but <12 years old shall ride in a motor vehicle unless the child is wearing a safety belt. Ch. 90, §7AA (¶2)

Required Use of Child Safety Restraint Systems:
(continued)

Sanctions for Failure to Require
the Use of Child Restraint Systems:

Civil Motor Vehicle Infraction: The vehicle operator is subject to a fine of not more than **\$25**. This sanction does not apply to an operator of a taxi cab that is not equipped with a child passenger restraint device. Ch. 90,

¹**Exemptions.** The requirement to use a safety belt does not apply in the following circumstances: (1) To persons riding in motor vehicles manufactured before July 1, 1966; (2) to any person who is physically unable to use a safety belt; (3) to rural carriers of the U.S. Postal Service while performing official duties; and, (4) to anyone involved in the operation of taxis, liveries, tractors, trucks with a gross weight ≥18,000 lbs., (5) buses; and, (6) passengers of authorized emergency vehicles. Ch. 90, §13A

²No person shall transport more than 14 school pupils in a motor vehicle unless all of the vehicle's occupants are secured in a safety belt. Ch. 90, §7D In addition, under separate provisions, a person operating a school bus is required to wear a safety belt while transporting children school pupils. Ch. 90, §7B A violation of these requirements is a Civil Motor Vehicle Infraction for which the following sanctions may be imposed: For a 1st offense, a fine of not more than **\$35**; for a 2nd offense (within 12 months), a fine of not less than **\$35** nor more than **\$75**; and, for a subsequent offense (within 12 months), a fine of not less than **\$75** nor more than **\$150**. Ch.90, §20 & Ch. 90C, §1

³Vehicle operators and passengers ≥16 years old in violation of this requirement are subject to a fine of **\$25**. However, if the offender is a passenger ≥12 but <16 years old, the vehicle operator is subject to an additional fine of **\$25** for each such passenger who was not wearing a safety belt. Ch. 90, §13A (¶2)

⁴The State supreme court has not addressed the issues of whether the nonuse of a safety belt either (1) can be used to mitigate damages or (2) can be considered as contributory negligence. The court refused to consider such issues in one case because no evidence was presented to show that safety belt nonuse resulted in injuries. *Shahzade v. C.J. Mabardy, Inc.*, 586 N.E.2d 3 (Mass. 1992)

⁵**Exemptions.** This requirement does not apply in the following circumstances: (1) To a child who is riding in a school bus; (2) to a child who is riding in a motor vehicle made before July 1, 1966 that is not equipped with safety belts; and, (3) to a child who for physical reason cannot use a child passenger restraint system. Ch. 90, §7AA (¶3) - 69 -

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§7AA (¶3) and Ch. 90C, §1 Note: A violation of these requirements is not considered a moving violation for the purpose of determining surcharges on motor vehicle premiums. Ch. 90, §7AA (¶5)

Effect on Civil Liability:

A violation of this requirement shall not be used as evidence of contributory negligence in any civil action. Ch. 90, §7AA (¶4)

Required Use of Motorcycle Protective Headgear⁶:

Requirements:

Every person operating or riding on a motorcycle or riding in a motorcycle sidecar shall wear State approved protective head gear. Ch. 90, §7

Sanctions for Failure to Use:

Civil Motor Vehicle Infraction: 1st offense-A fine of not more than **\$35** 2nd offense (within 12 months)-A fine of not less than **\$35** nor more than **\$75** Subsequent offense (within 12 months)-A fine of not less than **\$75** nor more than **\$150** Ch. 90, §20 & Ch. 90C, §1

Required Use of Motorcycle Eye Protection Device:

Requirements:

If a motorcycle is not equipped with a windshield or screen, the operator of such vehicle shall wear eye glasses, goggles or a protective face shield. Ch. 90, §7

Sanctions for Failure to Use:

Civil Motor Vehicle Infraction: 1st offense-A fine of not more than **\$35** 2nd offense (within 12 months)-A fine of not less than **\$35** nor more than **\$75** Subsequent offense (within 12 months)-A fine of not less than **\$75** nor more than **\$150** Ch.90, §20 & Ch. 90C, §1

Required Use of Bicycle Protective Headgear:

Requirements:

When operating or riding a bicycle, a person ≤12 years old shall wear a nationally approved helmet.⁷ This requirement does not apply if the person is in an enclosed trailer or other device which holds the person in place. Ch. 85, §11B

Required Use of Bicycle Protective Headgear:
(continued)

⁶**Motorized Bicycles.** A person, who is either operating or riding on a motorized bicycle, must wear appropriate protective headgear. A person who is convicted of violating this requirement is subject to the following sanctions: For a 1st offense, a fine of not less than **\$25**; for a 2nd offense, a fine of not less than **\$25** nor more than **\$50** and, for a subsequent offense, a fine of not less than **\$50** nor more than **\$100**. Ch. 90, §1B (¶¶ 2 & 3)

⁷A violation of this requirement shall not be used as evidence of contributory negligence in any civil action. Ch. 85, §11B

Sanctions for Failure to Use:

Civil Disposition: A fine of not more than **\$20**.⁸ Ch. 40, §21, cl. 16B & Ch. 85, §11C

Required Use of Bicycle Eye Protection Device:

Requirements:

None

Sanctions for Failure to Use:

Prohibition Against Riding in Unsecured Portion of Vehicle⁹:

Requirements:

No person shall operate a pick-up truck for a distance of >5 miles and >5 MPH with persons <12 years old in the body of such truck. Ch. 90, §13

Sanctions for a Violation:

Civil Motor Vehicle Infraction: 1st offense-A fine of not more than **\$35** 2nd offense (within 12 months)-A fine of not less than **\$35** nor more than **\$75** Subsequent offense (within 12 months)-A fine of not less than **\$75** nor more than **\$150** Ch. 90, §20 & Ch. 90C, §1

Exemptions:

This requirement does not apply (1) to pick-up trucks used in an official parade, (2) where such truck as affixed to it a legal "Owner Repair" or "Farm" license or (3) to a pick-up truck engaged in farming activities. Ch. 90, §13

⁸A bicycle may be impounded for not more than 15 days. Ch. 85, §11B

⁹In addition, such a prohibition may have been indirectly established for certain children via the provisions of the Child Safety Restraint Systems law.

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